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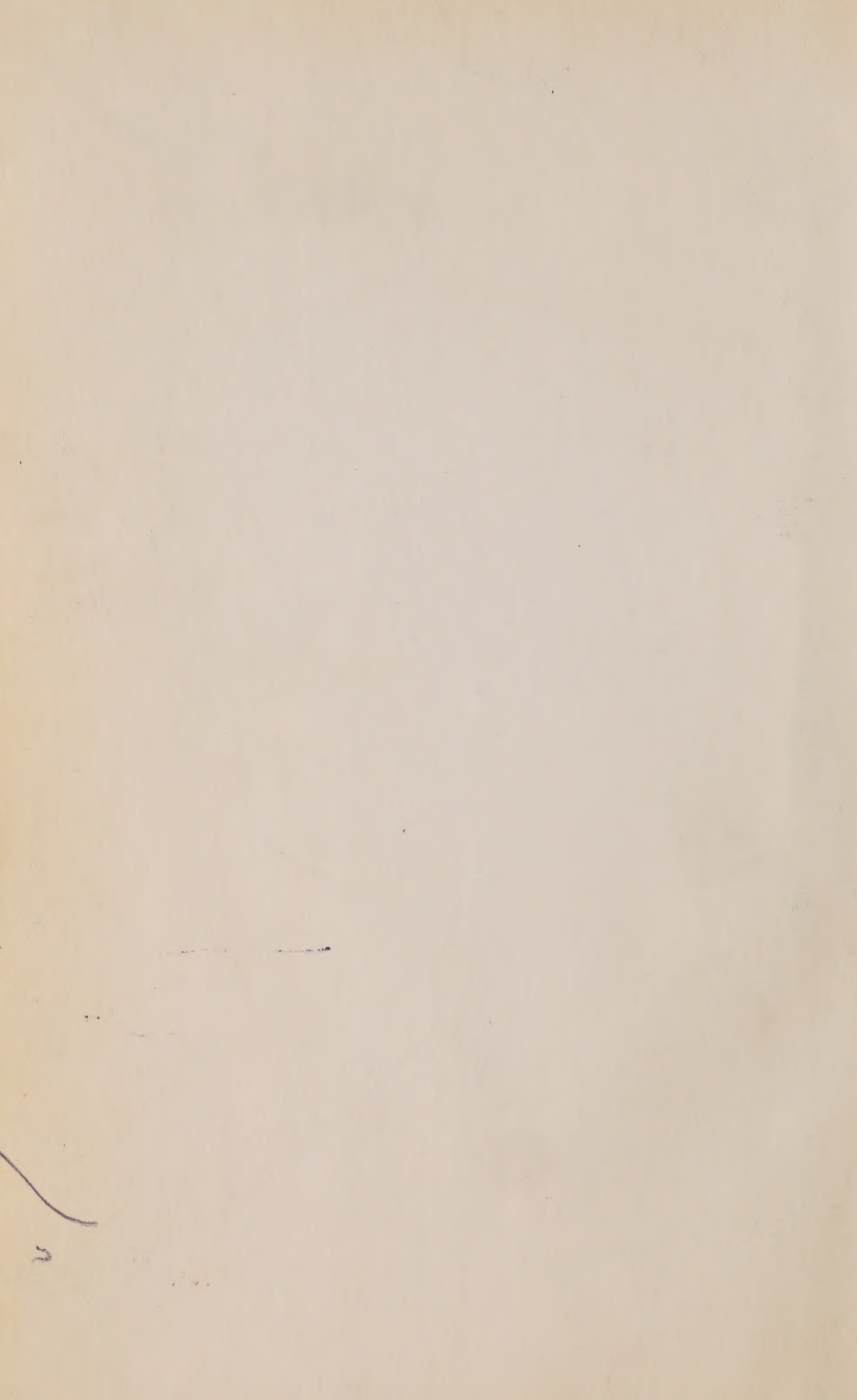




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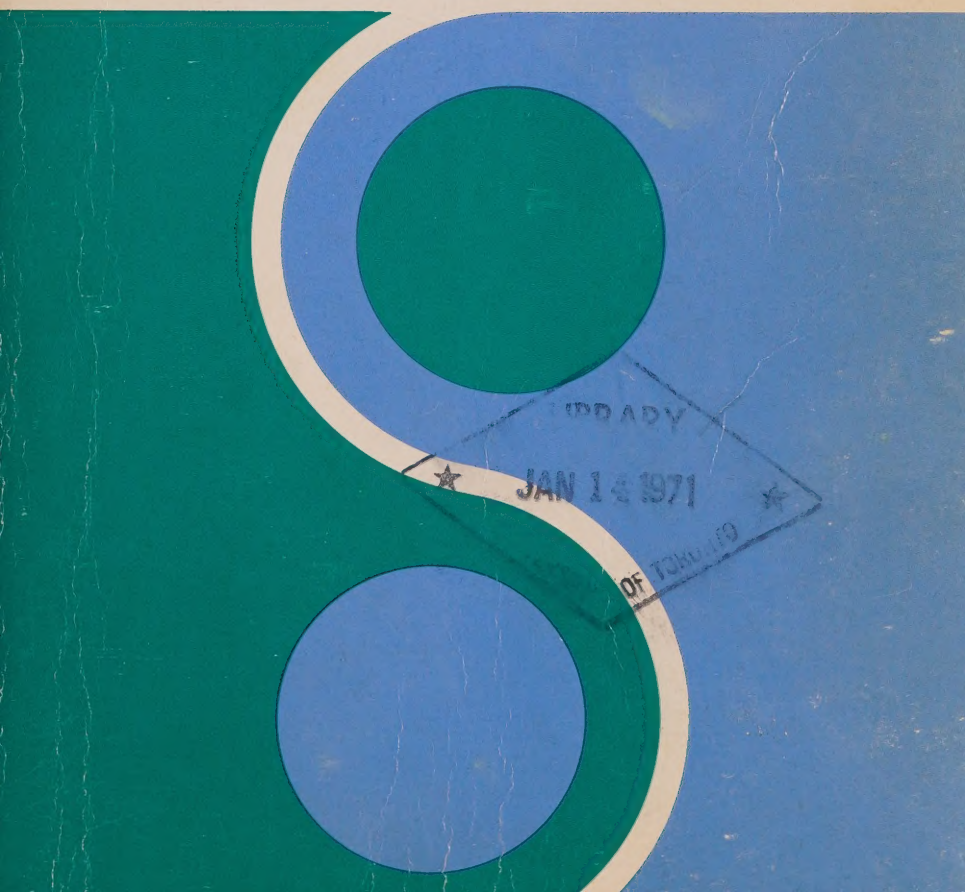
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Canada 119  
REPORT OF THE ROYAL COMMISSION ON

# THE STATUS OF WOMEN IN CANADA







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REPORT  
OF THE  
ROYAL COMMISSION  
ON  
THE STATUS OF WOMEN  
IN CANADA



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ROYAL CANADIAN MOUNTED POLICE

TO

THE STATUS OF WOMEN

IN CANADA



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## Royal Commission on the Status of Women in Canada

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TO HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL

We, the Commissioners appointed as a Royal Commission, beg  
to submit to your Excellency the following Report.

Florence Bird, *Chairman*

Jacques Henripin

John P. Humphrey

Lola M. Lange

Jeanne Lapointe

Elsie Gregory MacGill

Doris Ogilvie

Ottawa, September 28, 1970

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## Terms of Reference

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P.C. 1967-312

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 16th February, 1967.

### Canada Privy Council

The Committee of the Privy Council, on the recommendation of the Right Honourable Lester Bowles Pearson, the Prime Minister, advise that

Mrs. John Bird,	<i>what sexist kidding!!</i>	Ottawa, Ontario,
Miss Elsie Gregory MacGill,		Toronto, Ontario,
Mrs. Ottomar Lange,		Claresholm, Alberta,
Miss Jeanne Lapointe,		Quebec City, Quebec,
Mrs. Robert Ogilvie,		Fredericton, New Brunswick,
*Mr. Donald Gordon, Jr.,		Waterloo, Ontario,
Mr. Jacques Henripin,		Montreal, Quebec, and
**Mr. John P. Humphrey,		Montreal, Quebec,

be appointed Commissioners under Part I of the Inquiries Act to inquire into and report upon the status of women in Canada, and to recommend what steps might be taken by the Federal Government to ensure for women equal opportunities with men in all aspects of Canadian society, having regard for the distribution of legislative powers under the constitution of Canada, particularly with reference to federal statutes, regulations and policies that concern or affect the rights and activities of women and, without restricting the generality of the foregoing, to inquire into and report on:

1. Laws and practices under federal jurisdiction concerning the political rights of women;
2. The present and potential role of women in the Canadian Labour force, including the special problems of married women in employment and measures that might be taken under federal jurisdiction to help in meeting them;
3. Measures that might be taken under federal jurisdiction to permit the better use of the skills and education of women, including the special re-training requirements of married women who wish to re-enter professional or skilled employment;

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\*Resigned effective November 1, 1967-P.C. 1967-2164 of November 21/67 refers.

\*\*Appointed in replacement of Mr. Gordon-P.C. 1968-229 of February 2/68 refers.

4. Federal Labour laws and regulations in their application to women;
  5. Laws, practices and policies concerning the employment and promotion of women in the Federal Civil Service, by Federal Crown Corporations and by Federal Agencies;
  6. Federal taxation pertaining to women;
  7. Marriage and divorce;
  8. The position of women under the Criminal Law;
  9. Immigration and citizenship laws, policies and practices with respect to women; and
- such other matters in relation to the status of women in Canada as may appear to the Commissioners to be relevant.

The Committee further advise that

- (a) The Commissioners be authorized to exercise all the powers conferred on them by section 11 of the Inquiries Act;
- (b) The Commissioners be authorized to sit at such times and at such places as they may decide from time to time;
- (c) The Commissioners be authorized to engage the services of such counsel, staff and technical advisers as they may require, at rates of remuneration and reimbursement approved by the Treasury Board;
- (d) The Commissioners report to the Governor in Council with all reasonable despatch, and file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry;
- (e) Mrs. John Bird, Ottawa, Ontario, be Chairman of the Commission.

R. G. ROBERTSON  
*Clerk of the Privy Council*



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## Foreword

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1. The Royal Commission on the Status of Women in Canada was set up on the 16th of February, 1967. Since then there have been a number of changes in legislation which are particularly helpful to women.

2. While welcoming the new climate of thought which led to these legislative changes, we feel that further amendments as well as changes in attitudes are necessary. They are discussed and recommendations are made in the Chapters that follow.

3. While our Terms of Reference instructed us to "inquire into . . . the status of women in Canada . . . to ensure for women equal opportunities with men in all aspects of Canadian society," nine areas of study particularly germane to the status of women were listed specifically. Several of the specific items listed in the Terms of Reference of the Commission are so wide and the subjects covered by them so extensive and diverse that they could have been the subject matter for a separate Royal Commission.

4. In studying the status of women in Canada, the Commission called for a presentation of briefs from organizations and individuals. A brochure, "What Do You Have To Say About the Status of Women?" was distributed across the country in supermarkets and libraries and through associations and the mass media.

5. We received 468 briefs and about 1000 letters of opinion. Many of these submissions entailed a great deal of research on the part of those who presented them, and proved to be invaluable to the Commission.

6. In April 1968 the seven Commissioners began a series of public hearings which were held in 14 cities in the 10 provinces. The Chairman and one other Commissioner also held hearings in Whitehorse and Yellowknife and conducted group discussions and interviews in four settlements in the Keewatin District and in Churchill, Manitoba. All the hearings were scheduled so that they would be held at times and places convenient for women and an atmosphere of informality and easy exchange was maintained.

Some 890 witnesses appeared before the Commission. In several cities a "hot-line" telephone service was set up so that people unable to come to the hearings could talk directly to a Commissioner. The Commission sat for 178 days over and above 37 days of public hearings.

7. A programme of research to provide background for the Report was set up at the beginning of the Commission. The Commission's secretariat, following the Terms of Reference, reviewed existing material and initiated new research when necessary. Forty special studies, some of which will be published separately from the Report, were commissioned.

8. Because the Commission thought it important that the Report receive wide distribution and that it be financially within the reach of most Canadians, we decided to reduce the great wealth of material which we had studied into a single volume.

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## Criteria and Principles

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1. In a dozen succinct words the Universal Declaration of Human Rights<sup>1</sup> has clarified the issue of the rights of women: "All human beings are born free and equal in dignity and rights."

2. Canada is, therefore, committed to a principle that permits no distinction in rights and freedoms between women and men. The principle emphasizes the common status of women and men rather than a separate status for each sex. The stage has been set for a new society equally enjoyed and maintained by both sexes.

3. But practices and attitudes die slowly. As we travelled across the country, we heard of discrimination against women that still flourishes and prejudice that is very much alive. It became abundantly clear that Canada's commitment is far from being realized.

4. We have been asked to inquire into and report upon the status of women in Canada and we have done so in the light of certain principles. A general principle is that *everyone is entitled to the rights and freedoms proclaimed in the Universal Declaration of Human Rights*. We have examined the status of women to learn whether or not they really have these positive rights and freedoms both in principle and in practice. Some of our recommendations should establish a measure of equality that is now lacking for men as well as for women.

5. Explicit in the Terms of Reference given us by the Government is our duty to ensure for women equal opportunities with men. We have interpreted this to mean that equality of opportunity for everyone should be the goal of Canadian society. The right to an adequate standard of living is without value to the person who has no means of achieving it. Freedom to choose a career means little if the opportunity to enter some occupations is restricted.

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<sup>1</sup> U.N. General Assembly resolution adopted unanimously December 10, 1948.

6. Our Terms of Reference also imply that *the full use of human resources is in the national interest*. We have explored the extent to which Canada develops and makes use of the skills and abilities of women.

7. Women and men, having the same rights and freedoms, share the same responsibilities. They should have an equal opportunity to fulfil this obligation. We have, therefore, examined the status of women and made recommendations in the belief that *there should be equality of opportunity to share the responsibilities to society as well as its privileges and prerogatives*.

8. In particular, the Commission adopted four principles: first, that *women should be free to choose whether or not to take employment outside their homes*. The circumstances which impede this free choice have been of specific interest to our inquiry. Where we have made recommendations to improve opportunities for women in the work world, our goal has not been to force married women to work for pay outside of the home but rather to eliminate the practical obstacles that prevent them from exercising this right. If a husband is willing to support his wife, or a wife her husband, the decision and responsibility belong to them.

9. The second is that *the care of children is a responsibility to be shared by the mother, the father and society*. Unless this shared responsibility is acknowledged and assumed, women cannot be accorded true equality.

10. The third principle specifically recognizes the child-bearing function of women. It is apparent that *society has a responsibility for women because of pregnancy and child-birth, and special treatment related to maternity will always be necessary*.

11. The fourth principle is that *in certain areas women will for an interim period require special treatment to overcome the adverse effects of discriminatory practices*. We consider such measures to be justified in a limited range of circumstances, and we anticipate that they should quickly lead to actual equality which would make their continuance unnecessary. The needs and capacities of women have not always been understood. Discrimination against women has in many instances been unintentional and special treatment will no longer be required if a positive effort to remove it is made for a short period.

12. With these principles in mind, we have first looked at women in Canadian society. Within this perspective we have gone on to consider the position of women in the economy, the education they receive, their place in the family and their participation in public life. We have considered the particular implications of poverty among women, conditions of citizenship and aspects of taxation, and the Criminal Code as it affects the female offender.

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### Canadian Women and Society

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1. The rapid changes which have taken place in Canada, especially during the last 30 years, have profoundly affected the lives of women. Technological developments, urbanization, industrialization and the progress of medical and other scientific research have altered the way they live today, and will continue to alter it.

2. New methods of communication, especially television, have shown Canadians themselves and people in other countries in a new perspective. These and other developments have led people of all ages, but particularly the young, to question long accepted beliefs and traditions. Our society has become more permissive as a new generation reacts, often violently, against the domination of established authority and the old way of life. There is a growing belief that many of our attitudes are based on traditions and myths which do not reflect the facts and realities of today.

3. Although a rigid definition of woman lives on today as a stereotype despite rapidly changing circumstances, a new consciousness and concern about the status of women are indicated by the creation of a number of national commissions to study and report on the matter.<sup>1</sup>

4. In the past, many thoughtful people have questioned women's place in society. Some men have realized that a world organized and ruled by men will be naturally inclined to keep women in subjugation. As John Stuart Mill put it: "Men do not want solely the obedience of women, they want their sentiments . . . not a forced slave but a willing one."<sup>2</sup>

<sup>1</sup> Including the following: President's Task Force on Women's Rights and Responsibilities (U.S.), 1969-70. U.S. Status of Women Commission (1961-1963); National Commissions of Inquiry of France (1966-.....), of West Germany (1962-1966), of Denmark (1965-.....); National Study Committees of the United Kingdom, Finland, the Netherlands; Central Office on the Status of Women in Austria (1966-.....); Advisory Committee (Department of Labour) Belgium; Report of the Norwegian Government (1966). (In 1935, the League of Nations set up the first international study on women's status; the United Nations set up a Commission in 1946.)

<sup>2</sup> Mill, John Stuart. *The Subjection of Women*. London, Oxford University Press, 1912, (first published 1869), p. 443.



5. Men are becoming more conscious of the unbalanced nature of a social order in which everything centres on one sex alone. "It is understood that they, men, essentially constitute Man, and that women's part in mankind is merely accessory. It is a purely subjective attitude raised on an immense intellectual apparatus that makes prodigious claims to objectivity. Men have scarcely ever been able to see the basic unreality of this structure . . ."<sup>3</sup> This Canadian writer adds that "the profound result of feminism has been to set up a variety of mutations in man, for humanity will never be adult without the full presence of woman."

6. Through the years, some women have protested at length, though often unheeded, in a world still insensitive to the social problem created by their status. Over recent years, the number of books on the subject has increased rapidly. Many have been widely read. Two of these, which were in the vanguard and may have been the source of aroused interest, were *The Second Sex* by Simone de Beauvoir,<sup>4</sup> and *The Feminine Mystique* by Betty Friedan.<sup>5</sup> Both authors assail the traditional and contemporary myths that have tended to keep women in a dependent and subordinate position.

7. In the United States, the last four years have seen the rapid growth of increasingly diversified groups of women that try to improve their collective lot as well as to combat discrimination. In some ways they seem to be a resurgence of the early feminist movements which battled for woman suffrage. However, reformist feminist groups today question all aspects of society. Some of them are not merely reformist but revolutionary in their aims, seeking radical changes in the economic system as well as in the institution of marriage and the nuclear family. Others agree that economics plays a fundamental part in their problems but maintain that this only involves an equal right to work which, in turn, must rest on equality in the educational system.

8. Similar movements are growing in Canada. For example, as of March 1970, there were local units of the Women's Liberation Movement in 16 cities from Vancouver to Halifax. Their articles, studies and discussions examine all kinds of global solutions as well as specific reforms.<sup>6</sup> Other groups have been formed which are occupied solely with the status of women.

<sup>3</sup> LeMoyne, Jean. *Convergence* (translated by Philip Stratford). Toronto, The Ryerson Press, 1966, pp. 99, 101.

<sup>4</sup> Beauvoir, Simone de. *The Second Sex*. Paris, Gallimard, 1949.

<sup>5</sup> Friedan, Betty. *The Feminine Mystique*. New York, W. W. Norton and Company, Incorporated, 1963.

<sup>6</sup> Benston, Margaret. "The Political Economy of Women's Liberation." Discussion Paper, Vancouver Women's Caucus, mimeographed, 1969-70.



9. Women made use of the public hearings of this Commission as a vehicle to express their aspirations. In our search for ways to ensure for women real equality of opportunity in Canadian society, we heard women, and also men, from coast to coast, tell of their hopes and frustrations concerning the status of women. The main aspiration was for elementary human rights and genuine equality: "... we subscribe to the fundamental principle of equality of the sexes as human beings and as citizens and we believe that any action either legislative, corporate or individual which infringes on that equality violates a fundamental human right."<sup>7</sup>

10. Other briefs stressed that women's sense of personal dignity is not being respected by the present political, economic and social structures of Canada: "Our government bodies are not unlike stag parties but the stakes here are human dignity and social progress not plastic poker chips."<sup>8</sup> "It may not be the loss of dollars that bothers as much as the lack of dignity in not receiving recognition for labour willingly done."<sup>9</sup>

11. A woman suffers when she is not recognized as having an individual identity as a person with her own aspirations, strengths, weaknesses, tastes and ideas that are not necessarily those of all other women whether married or unmarried, whether wives at home or workers outside. She does not accept with good grace the easy generalizations, often accompanied by a superficial idealization of the concept of womanhood, that fill so much of the literature, thought and even languages of western countries. Many Canadian women protest against the stereotypes imposed upon them: "Women are not a homogeneous group, and their needs are variable in relation to their social and economic status, their role and contribution in employment, and their role and responsibility related to the needs of children."<sup>10</sup> "Changes would have to be in the direction of acknowledging women as individual human beings, even in marriage."<sup>11</sup> "Women are adults not children to be protected, pampered and adored."<sup>12</sup> "Manpower counsellors, most of whom are men, think that all women have the homemaking instinct. This is no more realistic than assuming all men are mechanically minded."<sup>13</sup> "(The married woman who works) is no longer regarded as the wife of Mr. X, but rather as Mrs. X, social worker, nurse, doctor, technician, or other specialist. When talking to her, one no longer feels obliged to begin by asking about her children, the subject that would previously have been

<sup>7</sup> Brief No. 441.

<sup>8</sup> Brief No. 194.

<sup>9</sup> Brief No. 387.

<sup>10</sup> Brief No. 70.

<sup>11</sup> Brief No. 329.

<sup>12</sup> Brief No. 279.

<sup>13</sup> Brief No. 160.

assumed to be the centre of her life. One may speak to her of her profession since it is an open window, letting her look out on the world; one may also choose to talk with her about political, economic or social topics.”<sup>14</sup>

12. Many women insist that it is not the traditional division of masculine and feminine roles alone which must change, but the conventional image of marriage and the family as well. The desire for this change was expressed in many briefs: “If women are to attain equality there must be a change in the whole expectations of husband and wife. Marriage must become a partnership where each is free to pursue a career and is equally responsible for the home and family. The family unit would become strong again because men and women would less often look on marriage as a trap.”<sup>15</sup> “Just as we regard the terms “father” or “husband” as indicating a human relationship, so we should regard the terms “wife” and “mother”. It does not follow that women need to make a career or a whole way of life out of being wives and mothers—just as men do not make marriage and parenthood their whole way of life.”<sup>16</sup>

13. Many women in briefs asked for the right to a degree of personal fulfilment. “To be a ‘person in her own right’—not just a husband’s alter-ego—a female child and teenager will have to be conditioned to regard marriage and child-bearing as a phase of life not the whole of it. Each female should be encouraged to discover her own particular gifts, talents, drives and to cultivate them for self-expression and for contribution to society. The Creator has endowed her with no less than the male. The mental climate in which she is reared should recognize and provide for her development to the fullest extent . . .”<sup>17</sup> “Girls and women must be encouraged to seek self-fulfilment as human beings rather than merely as females.”<sup>18</sup>

14. In other briefs women pointed out that these profound and earnest desires can be realized by women only if they are given help, whenever necessary, to achieve the balance between their life at home and their outside interests. They asked that society as a whole and its institutions recognize that women’s minds are at least as important as their traditional domestic roles. “. . . (these roles) no longer express the profound reality of their lives. Women would, however, welcome a true understanding of their destiny and purpose in life.”<sup>19</sup> “At the World Conferences of Churches

<sup>14</sup> Brief No. 349.

<sup>15</sup> Brief No. 32.

<sup>16</sup> Brief No. 279.

<sup>17</sup> Brief No. 112.

<sup>18</sup> Brief No. 373.

<sup>19</sup> Brief No. 326.

in Geneva in 1966, Margaret Mead observed that the church has traditionally granted woman a soul. She pleaded to grant her also a mind. The plea should be directed to all men."<sup>20</sup>

### Canadian Women in a Changing World

15. Canadian women have benefited, along with the rest of the population, from medical and social progress. Science has made it possible for both women and men to lead longer, healthier lives. At the end of the 18th century, the average life expectancy of both sexes was probably not more than 35 years. Since then, the toll of death through illness and epidemics has steadily declined. A decreasing number of women die in child-birth or are exhausted by numerous pregnancies. In 1931, the life expectancy of Canadian women was 62, compared with 60 for men. In 1968, in Canada, women could expect to live almost to the age of 76, and men to 69. (Life expectancy was approximately 66 years for Indian women in 1968 and 50 years for Eskimos—both sexes—in 1967.) In the Canadian population as a whole, there has always been a larger proportion of men than women but the ratio has steadily declined. In 1966, there were 101 males for every 100 females.

16. The fertility rate has been declining in Canada, as in many other western countries, owing to an increased use of birth control methods. In the middle of the last century, Canadian women who were still married at the age of 50 had borne an average of eight children. By the turn of the century the number had decreased to six, and, by 1961, to three, even before the wide spread use of the contraceptive pill. This means that the reproductive function no longer dictates the destiny of most women as it did in the past.

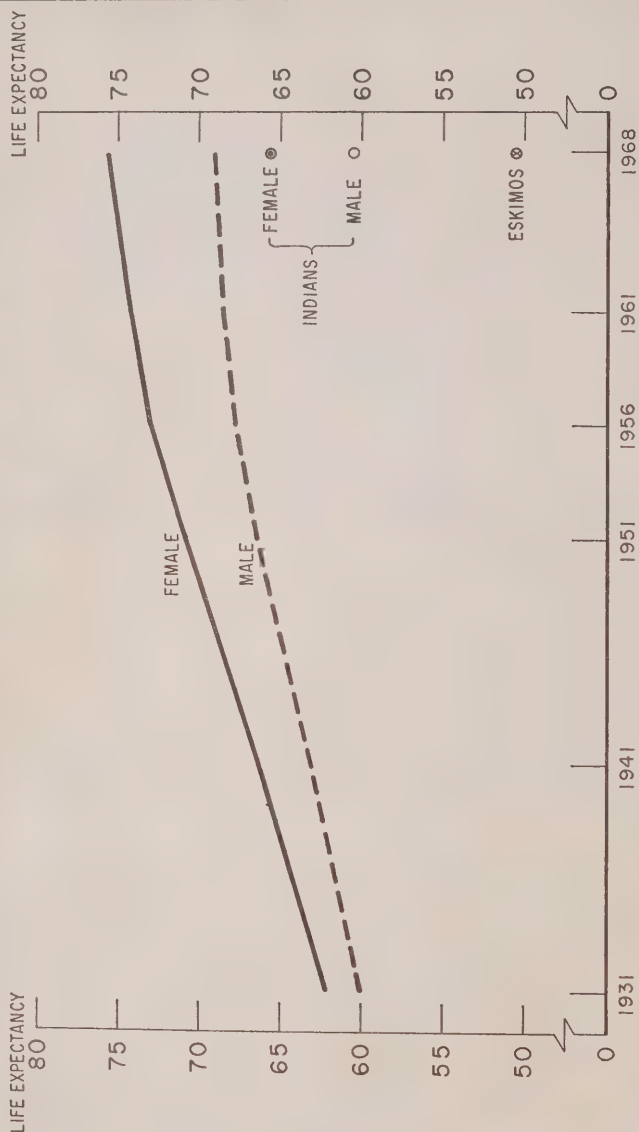
17. There used to be two cycles in the life of most women; the pre-marital stage and the period given over entirely to child-bearing and the rearing of children. Today, most women can look forward to a third and longer cycle between the ages of 35 and 76 because the majority give birth to the last of their children around the age of 30. In comparison with the life span of their great-grandmothers, this represents for women the equivalent of a second life.

18. Progress in medicine is helping women of all ages. Developments in gynaecology and hormone chemistry ensure better control over menopause, which used to disrupt the psychological or physiological balance of about 85 per cent of women—causing, for example, depression, insomnia, and

<sup>20</sup> Brief No. 7.

CHART-I

# LIFE EXPECTANCY AT BIRTH, CANADA, 1931-68, TOTAL CANADIAN POPULATION AND CANADIAN INDIANS BY SEX AND ESKIMOS



Source: Dominion Bureau of Statistics, Abridged Life Tables, 1968, Health and Welfare Division, to be published.  
 Unpublished data forwarded by the Dominion Bureau of Statistics to the RSCWC.  
 Department of National Health and Welfare, Life Expectancy of Canadian Eskimos, Canada, 1969.  
 Data for this chart will be found in the Appendix, Table A-11.



troubles of the circulatory system and metabolism.<sup>21</sup> Today, doctors and psychologists report that the menopause is often followed by a period of renewed vigour. "Contrary to popular belief, aging does not start or speed up with the advent of the menopause. Ovarian function is a transitory phenomenon which is not essential to a woman's life, but rather additional to it."<sup>22</sup> Some physicians think that many of the symptoms associated with the menopause are psychosomatic. More knowledge and understanding are now alleviating or eliminating the cause of these symptoms.

19. The new life cycle for women makes it imperative that girls should be prepared for energetic usefulness in the later years of their lives. All girls should be made aware of the choices and diversity that life can offer them. They should not restrict themselves to short-range occupations as stop-gaps until marriage. Rather, in recognition of their own talents and interests, their plans should be long-range and their choice should include parenthood, outside work, other activities, or whatever combination of all three they prefer. "With each passing day, the part of life ruled by biological factors becomes smaller, and that left to free choice, larger."<sup>23</sup>

### *Effects of Technological Change*

20. In Canada as elsewhere, one result of the industrial revolution has been that domestic production, part of which used to depend on women, is now carried out in factories. As this change occurred, women entered workshops and factories where they earned less pay than men. Many of the skills they had learned were rendered obsolete by the mass production of consumer goods. By 1891, one-eighth of the Canadian labour force was female. Women were a pool of cheap labour for industry. They were often exploited.

21. As the years went on, women were concentrated more and more in "traditionally" female occupations. Perhaps traditional attitudes about women's "place" in the home encouraged the idea that they did not really belong in the labour force. Even today, some people still consider women's work outside the home unnecessary; they are not yet fully aware of the need for two salaries in some households or of the number of women who are the sole providers for their families. Also often forgotten are some of the positive effects of women's paid work on society. The work women do for pay is essential work and the proportion of the Gross National Product and of tax revenues represented by women's participation in the

<sup>21</sup> Wilson, Dr. Robert A. *Feminine Forever*. New York, Evans and Company, 1966.

<sup>22</sup> Denart-Toulet, Dr. Anne. "Les deux âges de la femme". *Esprit*. May 1961, p. 791.

<sup>23</sup> Lilar, Suzanne. *Le malentendu du deuxième sexe*. Paris, P.U.F., 1969, p. 234.

world of work is substantial. Although labour unions have made contributions toward better working conditions for all employees, women have not as yet obtained equal opportunities with men at work in all sectors or acquired full representation in labour unions. According to a study prepared for the Commission: "when unionists discuss women at work, it is never in quite the same way they discuss men at work. There always seem to be implications, in the conversation, that woman's role is elsewhere."

22. Technological progress has transformed the familiar world of the home by eliminating or lightening many household tasks. Often, however, housework expands to fill the time available, as advertising exhorts women to add so-called refinements to housekeeping. Nevertheless, married women today have more time for outside activities than they ever had before.

23. In recent years, the increased participation of women, especially married women, in the labour force, has greatly changed their lives. In 1968, women workers accounted for 34.4 per cent of the Canadian labour force. More than half of them were married.

### *Social Change*

24. Recent decades have been characterized by shifting patterns of population distribution. In the 15 years from 1951 to 1966, an ever increasing number of Canadians moved to the cities.<sup>24</sup> The trend to urban living has seen the development of large cities surrounded by suburbs. City living, for women, has meant easy access to a variety of services and has given them greater freedom while, at the same time, creating new problems and conflicts such as separation from a larger family group and a familiar community. Suburban living has drawbacks for women since it often isolates them from the activities, community services and programmes found in the central city.

25. The industrial production of a vast array of household goods has turned women into consumers on a large scale. Much of the advertising of consumer goods is directed at women because they do most of the daily shopping for the family. Buying goods and services has become so complicated that the formation of governmental and private agencies has become necessary in order to provide consumers with information based on research.

26. In industry, the nineteenth century work week of 50 to 60 hours has now been reduced to 37 to 40 hours with the result that the leisure time of the worker has increased, allowing more time for amusements, community

<sup>24</sup> In 1951, 31.4 per cent of the total population lived in urban centres of 30,000 or more, while in 1966 the corresponding proportion was 54 per cent. Dominion Bureau of Statistics. *Canada Year Book*. Ottawa, Queen's Printer, 1968, p. 194.



activity and family life. However, mothers of families who also hold outside jobs are often an under-privileged class as far as leisure is concerned. Canada, by signing the Universal Declaration of Human Rights, has accepted the principle that every person has the right to adequate rest and leisure but married women will not have that right until there are better community services, indispensable in an industrialized society, and until there is a change in attitudes concerning the responsibility of husband and wife for housework and child care.

27. Technological advance in the field of communications, especially in radio and television, has also brought about social change. It has been estimated<sup>25</sup> that, in 1969, Canadian adults spent an average of four hours each day watching television and about three and one-quarter hours listening to radio.

28. A nation-wide survey<sup>26</sup> has shown that newspapers reach as many Canadian women as men. Three-quarters of the women surveyed read the editorial page; nine-tenths, the general news. They are less interested than men in the financial pages. The women's pages are read by 88 per cent of women and 45 per cent of men.

29. The democratization of education has greatly affected the aspirations and expectations of Canadian women. Little by little, the doors of nearly all educational institutions have been opened to them over the last hundred years. In 1967, female graduates made up about a third of the 27,533 Canadian graduates in arts, pure science and commerce, and more than half the 7,590 graduates in education, library science and social work. And yet many fields of learning still remain substantially male preserves with only token female representation; fewer than five per cent of the 1,796 graduates in law and theology, fewer than 12 per cent of the graduating medical doctors and about six per cent of the graduating dentists in 1967 were women.<sup>27</sup> Moreover, institutions of higher learning have yet to adapt their general plans and structures to the needs of married women.

30. In the face of deep-rooted functional change, marriage and the family persist as an institution of particular importance to women. The importance of the family is due to the need of human beings, whether children or adults, to "belong" in a close social relationship with others. Functions of the family, however, which wives used to perform—such as the education of children, treatment of illness and care of the aged—are now undertaken

<sup>25</sup> "Average Listening and Watching Time, Television and Radio, by Sex, Canada, 1969". *Coverage and Circulation Report*. Toronto, Bureau of Measurements, November 1969.

<sup>26</sup> *Newspaper Research*. Toronto, Canadian Daily Newspaper Publishers' Association, 1964, p.4.

<sup>27</sup> Based on a national survey of 11 Canadian dailies.

<sup>27</sup> *Op. cit.* Dominion Bureau of Statistics. 1968, p. 337.

increasingly by private or public institutions. Today 90 per cent of Canadian women marry and live in families and, because of the longer life span, may remain married for an average of 40 years. Divorce is now increasing and many divorced women remarry.

### The Cultural Mould

31. Contacts with people and with the world in general are affected by stereotyped images partly due to education and upbringing and partly to experience with other people. "The real environment is altogether too big, too complex and too fleeting for direct acquaintance. We are not equipped to deal with so much subtlety, so much variety, so many permutations and combinations. And although we have to act in that environment, we have to reconstruct it on a simpler model before we can manage it."<sup>28</sup> A fund of accepted notions promotes a certain degree of social balance and stability by enabling people to act in ways well understood by others. Nevertheless, very strict or out-moded mental stereotypes have a constraining effect that may interfere with personal liberty, since society will blame and reject those who depart from its usual standards. Consequently people gradually accustom themselves to conform to established rules. Society's ideas about them are made part of their own mental pictures of themselves, and in the end have a way of moulding their attitudes and their thoughts. All of this holds true for the stereotypes about women.

✕ 32. The traditional concept of the role of women probably began in pre-historic times when repeated child-bearing and inferior physical strength relegated women to a subordinate position which, centuries later, was rationalized in philosophical terms. Many philosophers and most theologians have consistently taught that the subordination of women to men is right and natural. Particular emphasis was put on the subordination of a daughter to her father and a wife to her husband.

33. They postulated the existence of an inferior feminine "nature", in opposition to that of man. Aristotle's theory that a woman's role in conception is purely passive was accepted for centuries. It was not until the second half of the nineteenth century that scientists demonstrated that both parents made equivalent contributions to a child's biological inheritance.

➤ 34. The three principal influences which have shaped Western society—Greek philosophy, Roman law, and Judeo-Christian theology—have each held, almost axiomatically, that woman is inferior and subordinate to man

<sup>28</sup> Lippman, Walter. *Public Opinion*. New York, The Macmillan Company, 1922, p. 10.

and requires his domination. This attitude still persists today; for example, in most religions, a woman cannot be ordained or authorized to be a spiritual leader.

35. On the basis of ancient concepts, it has been all too easy to divide assumed male and female functions and psychological traits into separate, opposing categories. These categories, or stereotypes, have by no means disappeared from popular belief and thinking about the nature of women and men. Women are expected to be emotional, dependent and gentle and men are thought to possess all the contrary attributes: to be rational, independent and aggressive. These are the qualities assumed to be suitable for women in the closed world of the home, husband and children, and for men in the outside world of business, the professions or politics. The stereotypes and the models of behaviour derived from this assumption do not necessarily correspond to the real personalities of a great number of men and women.

36. Each culture imagines that the qualities and functions it attributes to men and women are part of the natural order. Anthropologists, however, report that tensions and balance between the sexes result in very different ways of life and role divisions from one culture to the next. Margaret Mead has pointed out, for example, that feminine and masculine roles are interchangeable in New Guinea. It is important to recognize that psychological characteristics of either sex, often taken for granted as derived from nature, may be based instead on cultural habits which in some cases have developed into ideologies.

37. Even among industrialized nations, there are substantial differences in the occupations considered "feminine" or "masculine". In the U.S.S.R., the majority of doctors are women; in Finland, most dentists are women and architecture is considered as suitable for women as for men. Until the development of obstetrics, only women assisted other women in childbirth; it would not have seemed fitting for a man to do so.

38. What then are the innate differences between men and women and what are the ones imposed by education and culture? Aside from physical differences, there has been no scientific proof of differences, either psychological or intellectual in the genetic inheritance of men and women.

39. And yet, women's child-bearing function and their physical differences have served as the basis for restrictive generalizations and overt discrimination. Regardless of age or circumstances, women are identified automatically with tasks such as looking after their homes, rearing their children, caring for others and other related activities. It is almost

as if we were to say that it is man's nature to work in an office or factory, simply because most of the men we know in cities happen to do so. This time-honoured custom of identifying woman, more or less exclusively, in terms of her relationships and functions of wife and mother has solidified into a confining mould.

40. In Canada as elsewhere, the cultural mould has been imposed upon and accepted by many women and tends to confuse discussions on the subject of the status of women. Several briefs pointed this out: "Women, too, in large part still believe that a woman's place is in the home, at least while her children are young."<sup>29</sup> "The all-too-prevalent opinion, common amongst women as well as men, that women with the odd exception are less ambitious, timid, less capable, less well-organized than men, is fallacious, if closely examined."<sup>30</sup>

41. During the 1968 public hearings of the Commission, two Canadian daily newspapers published questionnaires "for Men Only"<sup>31</sup> in order to obtain a sampling of men's opinions on the question of women. Such surveys are usually affected by different kinds of bias: for example, the sampling might not be representative of the whole population. Nevertheless they are not meaningless even though the results have to be interpreted with care. In these samplings the results showed, generally, traditional opinions. Many of the respondents declared that women tended to find more discrimination than in fact existed and that Canada did not need a Royal Commission on the Status of Women. More than half the replies received by the *Toronto Star* declared that woman's place is in the home. In the survey by *Le Devoir*, majority opinion favoured a male rather than a female superior on the job. Most respondents were of the opinion that women lack the emotional control demanded for combining a career with marriage and motherhood. On the other hand, the young men who responded to *Le Devoir*, and the husbands of working wives who replied to the *Toronto Star*, wanted greater liberty for Canadian women. Answers received by the *Toronto Star* were almost unanimous in their view that gainfully employed women should be legally responsible for the support of their families, and that they should be required, if necessary, to pay alimony in cases of divorce.

42. The feeling that women who have equal financial resources should have responsibilities equal to those of men may mark an important evolution of attitudes. The stereotype of the man as the sole family breadwinner yields to the new picture of the wife as his economic partner. Yet woman

<sup>29</sup> Brief No. 64.

<sup>30</sup> Brief No. 75.

<sup>31</sup> *Le Devoir* (Montreal) and the *Toronto Star*, which received 492 and 739 completed questionnaires respectively.



remains mainly identified with her old role as housewife. When people try to reconcile these two different images—the traditional woman and the actual woman who is many-faceted, as a man is, and who often works for pay—the stereotype is not always discarded.

43. Many women, conditioned to be acquiescent and passive, reflect traditional views on their status and role. Surveys have revealed that these attitudes are held even among highly educated women, including college and university students.

44. The effect of imposed stereotypes has been clearly demonstrated by experiments in the United States. In one,<sup>32</sup> a number of university women were selected to read six articles. Some concerned "masculine" subjects such as city planning, others treated neutral subjects such as the history of art, and still others were about such "feminine" interests as dietetics. In some booklets, three articles were signed with male and three with female names. In others, the male and female "authorship" was reversed. The women were asked to read and appraise each article, without having their attention called to the authors' names. In all cases, articles under male signatures received higher ratings. It was concluded, in the study, that the respondents' choices had been influenced by belief in the intellectual superiority of men.

45. Many women are afraid of not conforming to the subordinate role assigned to them by tradition. This can be so strong that it may make them belittle themselves. They have low expectations for their own achievement and, very often, accept work that makes far less than full use of their capabilities. In the words of a brief received by the Commission: "Too many of us are willing to accept a lower position and stay there, not even expecting or demanding to be promoted to a higher position, given that our training and experience and ability warrant it."<sup>33</sup>

46. Another brief<sup>34</sup> was based on a survey covering 11,153 English speaking readers of a Canadian magazine. It reported that 73 per cent of the housewives and 54 per cent of the working women who responded believe that men prefer a woman with little ambition for a career. Other figures from the same survey indicated that 59 per cent of those questioned wanted to combine a career, marriage and motherhood; four per cent favoured a career and marriage, and three per cent preferred to remain single and have a career. Among the same group 44 per cent thought that men and women

<sup>32</sup> Goldberg, Philip. "Are Women Prejudiced Against Women?" *Trans-Action*. University of Washington, April 1968, pp. 28-30.

<sup>33</sup> Brief No. 279.

<sup>34</sup> Brief No. 346.

should contribute equally to economic, household and family responsibilities, and 23 per cent were in favour of totally interchangeable social roles for men and women.<sup>35</sup> In a study carried out for the Commission in Quebec, the results showed that out of the 2,000 female respondents, seven per cent would choose a profession or responsible position such as that of school principal as their "ideal occupation". Less than 25 per cent mentioned work of a semi-professional nature. The remainder indicated that their ideal choices were jobs with less responsibility and authority.

47. The stereotype of the ideal woman has its effect upon Canadian women. It appears that many women have accepted as truths the social constraints and the mental images that society has prescribed, and have made these constraints and images part of themselves as guides for living. This theory could partly explain why some women are little inclined to identify themselves with the collective problems of their sex and tend to share the conventional opinions of society. Social scientists have noted a similar phenomenon in their study of certain minority groups,<sup>36</sup> or people treated as inferior. Their members often fail to identify with their own group. This is particularly true of individuals who cross the border separating them from the majority and who then adopt its attitudes and standards.

48. The concept of the psychological minority offers one possible interpretation of the effects upon women of stereotyping. Women do not, in fact, constitute a social group since they are found everywhere and in all classes. They cannot be isolated, as a collectivity, from the other members of society with whom they live in close relation. They cannot, moreover, be described as a demographic minority in society as a whole, though they are often a minority in the world of work and politics. But, according to some writers, a psychological minority group is an aggregation whose collective destiny depends on the good will or is at the mercy of another group. They—the members of a psychological minority—feel and know that they live in a state of dependency, no matter what percentage they may be of the total population.

49. Stereotypes are perpetuated by the mass media. Day after day, advertising reinforces and exploits stereotypes to achieve greater sales by repeating the idea that the "real" woman and the "real" man use this or that product. Although men as well as women are stereotyped, the results may

<sup>35</sup> The 3,245 additional answers from Quebec were roughly similar but indicated more personal independence.

<sup>36</sup> Similarities between women and racial minorities have been studied by a number of persons. See Myrdal, Gunnar. *An American Dilemma*. 2 Vols., Harper Brothers, 1944, p. 1077.



be more damaging for women since advertising encourages feminine dependency by urging women not to act but to be passive, not to really achieve but to live out their aspirations in the imagination and in dreams.

50. Woman is often presented as a sex object, defined as a superficial creature who thinks only of her appearance, who sees herself mainly in terms of whether she is attractive to men. She conforms to the beauty and youth standards which men are said to want of her. In a study prepared for the Commission, it was found that over 89 per cent of the women pictured in Canadian newspapers and magazines are less than 35 years of age. As presented by the advertiser, women are hardly ever associated with intelligence, sincerity, culture, originality or talent. Instead, they are depicted as being young, elegant and beautiful. "The mass media must in some way be encouraged to change their emphasis . . ."<sup>37</sup>

51. At least 30 of the briefs received by the Commission protested against the degrading, moronic picture of woman thus presented. These briefs objected to woman, in advertisements, being shown as fragile, without depth or reality, and obsessed by her desire to please masculine hero-figures as artificial as herself. Repetition is a "hidden persuader" in advertising, an especially effective tool influencing children and young girls to aspire to constraining models and low ideals. When women are shown in active pursuits, these activities are in the order of polishing furniture and preparing food. Some women's magazines contribute to the exaltation of housework as a fine art and very often persuade women that to conform to the image of housewife *par excellence* is a duty and that not to conform signifies inadequacy. Housework is rarely viewed in these publications, and in advertising, for what it is; a necessary task that is performed in order to make the family comfortable.

52. Stereotypes pass naturally from one generation to the next. Whatever sex-linked biological determinants of personality there may be, no one yet seems to have isolated them clearly, or surely. However, the standards and models of behaviour taught either explicitly or by example in the family begin to affect boys and girls from their earliest childhood.

53. The spontaneous definitions of father and mother gathered in a Montreal kindergarten in 1969<sup>38</sup> revealed how effectively sex role stereotypes are passed on to very young children. As we point out in the Chapter on education, many of the images held by children are related to cultural habits and the traditional division of tasks in the home such as that mothers do the

<sup>37</sup> Brief No. 371.

<sup>38</sup> Catholic School Commission of Montreal, May 1969.

cooking and that fathers are always working. Children absorb a concept of the exclusive roles of men and women which may restrain and limit the development of both girls and boys. They show the impact of early family influences on the acquisition of stereotypes.

54. Older children continue to be influenced by the family. A study prepared for the Commission surveyed the opinions of 8,000 children of ages nine to 15 in Nova Scotia, Quebec, Ontario and British Columbia in order to ascertain to what extent and in what ways they differentiated between the roles of girls and boys, and men and women. The boys made more of a distinction than the girls. In this sample, the French-speaking differentiated less than the English-speaking children between masculine and feminine roles. Children acquire most of their ideas about their parents' tasks through simple observation. "If sex makes a difference in the organization of the family, then it will make a difference in the thinking of children."

55. This study indicated that girls who do well in school conform less readily to accepted ideas about their sex. "Doing poorly academically was an accompaniment of thinking in traditional terms about the sexes." "Girls who sex-typed were less likely to do well academically than those who did not sex-type." School-aged children who "go steady" with someone of the opposite sex, tend to imitate traditional adult patterns earlier than other teen-agers, as might be expected.

56. Another study prepared for the Commission, conducted in a few Canadian technical schools and universities, revealed highly conventional views about men's and women's functions in marriage. "Among men and women there is yet a strong feeling that the wife should continue to perform a traditional role obligation." Fifty-eight per cent of those surveyed thought the woman should stop working after the birth of her first child. A higher percentage of girls than boys held this opinion, conforming to the expectations of society.

57. Expressed opinion is one thing—actual behaviour may be another. Despite their traditional point of view, as shown by these studies, young people are living lives that increasingly differ from those of their parents. Well over half the Canadian population is under the age of 30<sup>39</sup> and not all are conforming to all the old patterns. Some of them commonly express

<sup>39</sup> Fifty-six per cent as of June 1969. Dominion Bureau of Statistics. *Estimated Population by Sex and Age Groups*. Catalogue No. 91-202.

dissatisfaction with—and freely question—customs and institutions long taken for granted. And it cannot be assumed that the once accepted roles of men and women will be exempt. The behaviour of many young people, for example, in their choice of dress, music and life-style, may tell as much about their attitudes as their responses to formal surveys.

58. The role of women will necessarily change as society itself evolves. In making our recommendations, we have tried to take into account what may be in store for Canadians in the years to come. Predictions about what life will be like in the future are increasingly being used as tools for better understanding of changes in present society.

59. The psychologist, Carl Rogers, sees the man-woman relationship of the year 2000 as more enjoyable and less possessive, one which will be "... a potentially joyful and enriching part of a relationship. The attitude of possessiveness—of owning another person, which historically has dominated sexual unions—is likely to be greatly diminished. It is certain that there will be enormous variations in the quality of these sexual relationships—... It is becoming increasingly clear that a man-woman relationship will have permanence only in the degree in which it satisfies the emotional, psychological, intellectual, and physical needs of the partners. This means that the permanent marriage of the future will be even better... If a couple feel deeply committed to each other and mutually wish to remain together to raise a family, then this will be a new and more binding type of marriage. Each will accept the obligations involved in having and rearing children. . . ."<sup>40</sup>

60. Margaret Mead sees signs of a future in which there would be "an emphasis on very small families and a high toleration of childless marriage... parenthood would be limited to a smaller number of families... adults who functioned as parents would be given special forms of protection... There would be a growing disregard for sex as a basic mode of differentiation... Limitations on freedom would be removed from women as a social group. Boys and girls would be differentiated not by sex-typed personality characteristics, but by temperament... Over time there would be considerable individual rebellion against any form of social sex-typing that ignored personality differences."<sup>41</sup>

<sup>40</sup> Rogers, Carl R. "Interpersonal Relationships: USA 2000." *Journal of Applied Behavioral Sciences*. Vol. 4, 1968, pp. 270-271.

<sup>41</sup> Mead, Margaret. "The Life-Cycle and its Variations: The Division of Roles." *Daedalus*. Summer 1967, p. 871 and following.

61. The future of our country will be determined substantially by the direction we Canadians choose to take now. If women are to be able to make full use of their capabilities, help is needed from the whole society. Even so, women themselves must work for change: "... women are the best helpers of one another. Let them think; let them act; till they know what they need. We only ask of men to remove arbitrary barriers. Some would like to do more. But I believe it needs that Woman show herself in her native dignity to teach them how to aid her; their minds are so encumbered by tradition."<sup>42</sup>

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<sup>42</sup> Fuller, Margaret. "Women in the Nineteenth Century." *The Writings of Margaret Fuller*. ed. Mason Wade, New York, The Viking Press, 1941, pp. 213-214. The article was originally published in 1845.



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# Women in the Canadian Economy

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1. Women, like men, spend a substantial portion of their lives in the production and consumption of goods and services, and there is no reason to believe that their activities are any less essential to the economy than those of men. Nonetheless, there is great confusion about the contribution of women in the economic sphere.

2. This is not surprising for in some ways women have an ambiguous part to play. They produce goods and services but often receive no pay in dollars and cents. Their impact on consumer spending is substantial yet they frequently rely on money earned by others to meet their wants. More often than not, their spending reflects someone else's income and not their own.

3. If anything, the Gross National Product,<sup>1</sup> as measured, adds to the confusion. Because this measure of the economy does not take into account the unpaid production of goods and services by the housewife or the volunteer, certain goods and services commonly produced by women are sometimes included in it, and sometimes not. The man who marries his housekeeper, for example, lowers the Gross National Product and thus lowers the measured output of the economy, although his wife continues to produce the same level of goods and services she previously produced for pay. Even for paid employment, the measure of the Gross National Product can be misleading. Contribution is measured in terms of earnings, yet we know that women often produce the same goods and services as men for lower pay.

4. This Chapter deals with women's economic power in terms of their financial resources, their consumer spending and their participation in corporate policy-setting. But since our main concern is with women as present and future producers of goods and services, the Chapter is largely devoted to the

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<sup>1</sup>Gross national product, by totalling all costs arising in production, measures the market value of all final goods and services produced in the current period by Canadian factors of production." Dominion Bureau of Statistics. *Canada Year Book*. Ottawa, Queen's Printer, 1968, p. 1058.

use being made of women's skills and abilities in the production of goods and services. It is also an analysis of their position in the light of the rights and freedoms recognized by the United Nations and set out in Canadian legislation. Basic to this analysis is our belief that women should be free to decide where their skills and abilities can best be put to use.

5. We found that women are encountering a number of problems in the economy. For some women the immediate need is to provide an adequate standard of living for themselves and their dependants. Yet these women are sometimes unable to work because of a shortage of child-care facilities, part-time employment and opportunities to learn a skill. If they are able to work, they are likely to face attitudes relegating them to lower paying occupations. It is often not recognized that the financial needs of women may be as great as those of men.

6. For many women, the problem is that they are not occupying the place in the economy for which they know they have the capacity. Some women want to share in the more responsible and varied economic activities now largely being carried out by men. Others are not sure they are using their skills and abilities in a way likely to provide the best returns to the economy or to their own development.

7. A number of factors have created these problems. Sex roles established in the family have followed women and men into the economic world. The economy looks to men, not to women, for leadership. Women are generally expected to depend on men for their livelihood and to put their family responsibilities first. In the world of paid work, they are usually offered employment in service or support fields.

8. Lack of recognition of women's potential is another factor that creates problems. There is bound to be misunderstanding since women have had so little opportunity to demonstrate what they are capable of doing. For one thing, they have not yet made an attempt in anything like significant numbers to break into some fields. Until they do so, opportunities in these fields will rarely come their way. But more than this, the management of the economic world seems reluctant to give them an opportunity to show what they can do.

9. In making proposals for change we have aimed at eliminating immediate and specific injustices. But we have also kept an ultimate objective in mind. Our recommendations should also lead to a future in which women and men will be recognized as contributing to the economy on an equal footing.



## Part A—The Economic Power of Women

10. Women are sometimes said to own at least three-quarters of the country's wealth<sup>2</sup> and to dominate in consumer spending.<sup>3</sup> If these claims have any foundation in fact, then women's status should be high since they have the capacity to put money into production and to influence the kinds of goods and services that will be in demand. But, while we could not establish just what women's financial assets are or how much they spend, we found no support for such claims. More than this, available information provides strong evidence that these claims may well be highly exaggerated.

11. No such claims are made regarding women's part in determining the policies set by governments and businesses that influence the economy in so many different ways. It is common knowledge that few women hold elected and political offices or reach the top of the ladder in the business world. They are seldom found on corporation Boards of Directors or have seats on stock exchanges.

12. The extent of a person's wealth is judged often on the basis of the money on hand and the money value of property that can include homes, land, corporation shares, bonds and bank accounts. And it is in this sense that we deal with the position of women. No information is available on the money value of women's bank accounts, stocks and bonds ownership, or on their real estate holdings. But information is available by sex on income, which can be broadly divided into two major sources: the income return on work effort and the income return on property owned. And because the latter is generated from a variety of sources such as bond and bank interest, dividends and mortgage income and real estate income, it is possible to gain some insight into the value of property owned by women as compared with that of men.

13. An analysis of the 1967 Individual Tax Returns published by the Department of National Revenue serves as a base for an examination of the relative position of women and men in terms of income. Table 1 shows income from sources other than investments and Table 2 gives a breakdown in income from various types of investments.

14. The information in these tables has certain limitations. It does not include people with incomes who filed no returns or those who failed to specify their ages. In some instances, a husband's reported income includes his wife's. However, of all income reported in 1967, women received a little over \$7.5 billion, or approximately 20 per cent. Even when the limitations of

Ferguson, Charles H. *The Male Attitude*. Boston, Little, Brown and Company, 1966, p. 7.

Perry, Robert L. "Great Myth of Female Reign". *Financial Post Magazine Section*. Toronto, October 1968.

Table 1. Income From Employment and Other Non-Investment Income  
Reported by all Individuals Stating Age, 1967

(All money figures are in thousands of dollars)

Category	Male	Female	Total	Female Percentage of Total
Wages and Salaries.....	24,686,149	6,392,345	31,078,494	20.6
Commissions from Employment.....	597,635	25,997	623,632	4.2
Commission Income from Self- Employment.....	134,316	5,826	140,142	4.2
Business Income.....	1,285,607	98,856	1,384,463	7.1
Professional Income.....	886,632	35,242	921,874	3.8
Farming or Fishing Income.....	770,106	24,724	794,830	3.1
Superannuation or Pension.....	391,833	114,168	506,001	22.6
Old Age Pension and Benefits.....	229,789	124,759	354,548	35.2
Alimony Received.....	823	31,813	32,636	97.5
Miscellaneous Income*.....	70,781	20,379	91,160	22.4
TOTALS.....	29,053,671	6,874,109	35,927,780	19.1

SOURCE: Department of National Revenue. Taxation Division. *Taxation Statistics—Analysing the Returns of Individuals for the 1967 Taxation Year and Miscellaneous Statistics*. Ottawa, Queen's Printer, 1969, p. 54-55.

\*No breakdown available. May include investment income.

Table 2. Investment Income Reported by All Individuals Stating Age, 1967

(All money figures are in thousands of dollars)

Category	Male	Female	Total	Female Percentage of Total
Rental Income.....	92,011	50,930	142,941	35.6
Gross Dividends.....	378,367	219,822	598,189	36.8
Bond and Bank Interest.....	439,644	258,510	698,154	37.0
Annuity Income.....	17,549	8,866	26,415	33.6
Estate Income.....	40,743	89,168	129,911	68.6
Mortgage Interest.....	125,241	55,368	180,609	30.7
Other Canadian Investment Income	22,906	10,932	33,838	32.3
Foreign Investment Income.....	25,630	20,769	46,399	44.8
TOTALS.....	1,142,091	714,365	1,856,456	38.5

SOURCE: Department of National Revenue. Taxation Division. *Taxation Statistics—Analysing the Returns of Individuals for the 1967 Taxation Year and Miscellaneous Statistics*. Ottawa, Queen's Printer, 1969, p. 54-55.

the data are taken into account, it is clear that women's share in the total income received by women and men is not much more than one-fifth.

15. The most widely held forms of investment in property are in shares and bonds of corporations. Unfortunately, comprehensive information on the value of stocks and bonds held by Canadian women is not available. However, the statistics in Table 2 provide some insight into women's approximate relative earnings from stocks. In 1967, women received only 36.8 per cent of all gross dividends. If this can be considered as a rough indirect measure of relative ownership of corporate wealth in Canada, then it can hardly be claimed that women exercise dominant control in this area.

16. The investment income statistics do not reveal to what extent women invest their money themselves, rather than entrusting such decisions to a financial advisor. But transaction studies undertaken by stock exchanges do give some idea of the activity of women in this field.<sup>4</sup> Although these studies are limited and vary regionally, they suggest that women account for from 15 to 20 per cent of the valued transactions of individuals.

17. A large part of the nation's wealth is held in real estate. Few statistics give the sex of the owner. However, it is possible to draw some inferences of the relative holdings of women in rented properties and mortgages from Table 2. In 1967, women received 35.6 per cent of rental income and 30.7 per cent of interest on mortgages. Even when the limitations of these statistics are taken into account, it appears that the holdings of women in rented real estate and in mortgages are far from dominant.

18. Life insurance is another indication of wealth since almost all life insurance purchased in Canada by individuals combines death benefits with savings and retirement plans. It has been estimated that in Canada in 1968 there were more than five million adult men and three million adult women with life insurance policies.<sup>5</sup> Two aspects of life insurance are of interest in assessing women's wealth: first, the amount and type of life insurance they carry; second, the amount paid to them in benefits. Information on these two aspects was provided by the Canadian Life Insurance Association.<sup>6</sup>

19. Twenty-five per cent of the insurance policies combining death benefits with savings and retirement plans sold in Canada between 1965 and 1967 were bought by or for females of all ages. These policies represented only nine

<sup>4</sup> Toronto Stock Exchange, Statistical Section. *Origin of Business Study*. Toronto, 1968, Table IV. Montreal and Canadian Stock Exchanges. *Fourth Transaction Study*. Montreal, 1965, p. 4.

<sup>5</sup> Dimock, F. C. *Women as Policyholders and Beneficiaries of Life Insurance in Canada*. Toronto, Canadian Life Insurance Association, 1968.

<sup>6</sup> *Loc. cit.*

per cent of the total face value of all policies purchased. If this were true in 1968, some \$675 million in insurance was probably purchased by or for females.

20. A 1966 study showed that women buy relatively small policies. For that year, the average size policy for women was \$3,630, compared with \$12,390 for men. Women are reported to be more inclined than men to buy insurance that builds up cash values rather than insurance with a large element of protection. In buying insurance men stress the protection aspects, while women tend to stress guaranteed savings for retirement.

21. Women as beneficiaries are in a much different position. The great majority of policies name wives and children as beneficiaries. It has been estimated that females of all ages probably received more than 70 per cent of the nearly \$400 million in death benefits paid in 1968 by Canadian insurance companies. In addition, women would have shared in the benefits of many policies payable to estates.

22. The receipt of life insurance benefits, then, is one field in which women probably come close to the figure of 75 per cent that is sometimes mentioned. But in 1968, the average amount of policies in which wives were beneficiaries was probably only around \$3,000.

23. In conclusion, it is apparent that women do not have a dominant control of the wealth of the nation. How much closer to the mark are the claims of their domination of spending?

24. Any examination of consumer spending must inevitably concentrate on family expenditure. Unfortunately, the question of who controls family buying is an area of human behaviour in which social scientists have not yet reached a consensus. The problem lies in the definition of "buying". Obviously, it makes little difference who actually makes the purchase if the decision has been made in advance.

25. Recently, the Canadian Institute of Public Opinion reported the findings of a study conducted by International Gallup Polls.<sup>7</sup> Since the questions in the study dealt with spending decisions in general and not consumer spending in particular, the results may be viewed as tentative for our purpose. However, when a national sample of Canadian families was asked how the family worked out decisions about money matters, 62 per cent replied that the decision was reached jointly by the husband and wife, 23 per cent replied that it was largely the responsibility of the husband, and 13 per cent that it

<sup>7</sup> International Gallup Polls. "Who actually has most to say in spending family income". *The Gallup Report*. The Canadian Institute of Public Opinion. Toronto, October, 1969.



was largely the responsibility of the wife. In a United States sample, 68 per cent of family decisions on money matters were reached jointly, seven per cent by the husband, and 24 per cent by the wife.

26. In 1968, the Managing Editor of the *Financial Post* took another approach based on interviews with marketing men, magazine readership surveys and on private research commissioned by major corporations.<sup>8</sup> His findings suggest that consumer spending on goods is about equally divided between women and men in dollar terms.

27. While this latter approach may not be the ideal method of determining the proportion of the consumer expenditure controlled by women, it has significance because it gives the "producers' eye view". If this is how producers think spending decisions are reached, they will govern their production and marketing accordingly. And, according to the findings, businessmen do not seem to think of women as the overwhelmingly dominant force in the consumer economy that they are often pictured to be.

28. Capacity to spend is often linked with capacity to obtain credit. It was made clear in briefs and letters to the Commission that women are not granted credit as freely as men. We learned of cases where women were unable to obtain mortgages although their income exceeded the income of their husbands. As one brief put it, women are sometimes "unable to secure loans, in their own names, for mortgages and other purposes simply because they are women."<sup>9</sup>

29. Women also reported the loss of credit cards through marriage despite the fact that they were still employed as before. For many of them, an offer to replace a card in the name of the husband added to the indignity. In other words, women are dissatisfied with their credit status and in some cases are suffering actual hardship because of it.

30. According to a study on credit prepared for the Commission, federal legislation affecting credit generally appears not to differentiate between the sexes in its application. There is, however, one exception. The National Housing Loan Regulations under the National Housing Act set out certain conditions which should be met if mortgage or home improvement loans are to be insured by the Central Mortgage and Housing Corporation. These conditions are that the total annual mortgage or loan payment should not exceed a specified percentage of the annual income of the home purchaser or home owner.<sup>10</sup> In computing this annual income, the lender may include up to 50 per cent of the income of the wife of the purchaser or owner. In case

<sup>8</sup> *Loc. cit.* Perry, R. L.

<sup>9</sup> Brief No. 328.

<sup>10</sup> Called the "gross debt service ratio".



the significance of the use of the word wife is lost, the Regulations specify that, when the purchaser or owner is a married woman or a husband and wife jointly, the husband is deemed to be the purchaser or owner for purposes of computing the gross debt service ratio. The effect of these provisions is that the financial position of the husband will usually determine whether or not a mortgage or a loan will be approved regardless of the fact that the wife may be the purchaser or owner.

31. We realize that it may sometimes be an advantage to have the home in the wife's name and so we appreciate the need for provision that the husband may be deemed to be the owner for purposes of computing the gross debt service ratio. But there will be instances where the wife has the larger income or indeed the only income. We believe provision should be made for the wife to be recognized as the owner, or to be deemed to be the owner, for purposes of computing the gross debt service ratio.

32. Therefore, we recommend that the National Housing Loan Regulations be amended so that (a) for purposes of the gross debt service ratio, either husband or wife may be deemed to be the purchaser or owner and (b) up to 50 per cent of the income of the spouse of the purchaser or owner, or of the spouse of the person deemed to be the purchaser or owner, may be included in computing the annual income.

33. There are no provincial laws that affect the credit status of single women, but the situation of married women is different. In the nine common law provinces there are laws covering the responsibility of a husband for debts incurred by his wife. In the Province of Quebec lenders sometimes find it difficult to determine the legal status of a married woman for purposes of granting a loan,<sup>11</sup> and are not always sure of the legal status of separated and divorced women.

34. Even in the case of married women, no laws exist in any provinces that prohibit credit being extended to them. Differential treatment is largely the result of policies and practices probably arising from the legal responsibility of a husband for his wife's debts.

35. To obtain a picture of their credit policies and practices, nine chartered banks were consulted on behalf of the Commission. No stated policy exists that discriminates against women. Loan decisions are based on such criteria as ability to repay, security and the purpose of the loan. However, frequent mention was made of the position of married women in Quebec.

<sup>11</sup> The recently passed partnership of acquests legislation should relieve this situation. National Assembly of Quebec, An Act respecting matrimonial regimes. *Statutes of Quebec*, 1969, C.77. Assented to December 12, 1969.

Some banks in Quebec require women to produce their marriage contracts when taking out loans in their own names while others, wary of the possibility of legal complications, make it their policy to require husbands to sign.

36. When asked why women often suffer a drop in credit rating on marriage, banks explained that it is sound business practice to re-evaluate a client's credit standing after a change in status. If it was found that the financial position of a newly married woman had not declined, her privileges were not withdrawn. However, it was admitted that re-evaluation of the financial position of a woman on marriage often results in loss of her credit in her own name.

37. Seven retail outlets consulted were somewhat more hesitant to discuss their policies and practices. While the answers varied widely, they generally led us to the conclusion that single women are dealt with on the same basis as men, while married women are treated in a way so as to justify many of the complaints. Most of these retail outlets are apparently unwilling to extend credit to a married woman in her own right and frequently require the signature of her husband.

38. Replies to enquiries on policies and practices were received from 11 mortgage-granting institutions. The policy generally reported was that loans are made on the basis of criteria similar to those used by banks in judging loan applications, and that the sex of the applicant is of no importance. Mention was made, however, of the need to establish that a married woman in Quebec has the legal capacity to take out a mortgage on the property. Some companies insist that husbands participate in the transaction but this was explained as the normal procedure of requiring a guarantor for loans when the ability to repay is questionable.

39. All of this leads to one conclusion. Requests for credit, at least from married women, receive additional scrutiny. We are also concerned that generalizations regarding the financial dependency of women may be making it more difficult for them to obtain credit. With the number of married women now in the labour force, it is not a valid assumption that a married woman will have no income of her own. Nor is it justifiable to assume that all women stop working before their debts are paid or before they are sure their debts can be met. We hope that in the light of these facts, credit-granting institutions will ensure that sex is not a factor in reaching decisions about giving credit and loans.

40. These practices do more than imply that women are a poorer credit risk than men. In many instances, they place women in a dependent role that fails to respect their rights and freedoms. The requirement that a husband

sign a contract made by his wife for credit or a loan, and the issue of credit cards only in the husband's name are two such practices which women find unsatisfactory and even humiliating.

41. In Canada, large corporations are controlled, for the most part, by a small group of company directors and officers. Membership on these Boards provides an opportunity to participate in high level decision-making.

42. In order to obtain some idea of the opportunity women have to share in this kind of decision-making, we examined the sex composition of the boards and executives of 55 large firms.<sup>12</sup> We realized that such an examination would be limited in that there would be no absolute guarantee that all members of boards could be identified as women or men by their names. Nonetheless, the method of reporting board members suggested that the only women who would be missed would be those for whom neither marital status title nor first name was given. In view of the overwhelming preponderance of board members who could be identified as men, we are satisfied that our comparison of the numbers of women and men is valid.

43. The study revealed that women were almost entirely absent from the board room and the executive suite. Of the 5,889 directorships and 1,469 corporate offices selected,<sup>13</sup> 41 directorships and eight offices respectively were held by women. Women held less than one per cent of the top corporate positions in Canada.

44. We would have liked to have been able to establish whether or not women directors and corporate officers are more common in some industries than in others. However, the number of women proved to be so small that no pattern could be validly established. For example, at the time of the study there was only one woman director and no woman corporate officer of a chartered bank. And in finance, trust, loan, and insurance companies there were only four women directors out of 697 and one woman corporate officer out of 73. There was, nonetheless, some indication from our sample that the fields of finance, mining and utilities may have a disproportionate shortage of women as compared to other fields. This probably has the greatest consequence in the field of finance because of its influence on other fields. On the other hand, there are probably more women directors and corporate officers in building supplies, printing and publishing, and furnishing and household goods.

45. Finance, mining and utilities are industries in which most of the producers are large corporations, while industries in which female directors

<sup>12</sup> Financial Post. *Survey of Industrials*. Toronto, 1968 and Financial Post. *Directory of Directors*. Toronto, 1967.

<sup>13</sup> Corporate offices are executive offices of the firm, such as secretary-treasurer. A corporate officer may or may not be a member of the Board of Directors of the firm.

and corporate officers are somewhat less scarce are characterized by a relatively large number of small and medium-sized firms. This suggests that there may be an inverse relationship between the size of an organization and the degree to which women can attain corporate leadership.

46. There is no doubt that changes should be made in the composition of Boards of Directors of corporations so that there will be a more equitable sex distribution of decision-making power in the business world. Neither is there any doubt that the absence of women at the top means that the country is ignoring many first-class minds and abilities. Women who are voting shareholders in corporations may be able to help this situation by signifying their support for the appointment of knowledgeable women directors.

47. In 1969, for the first time, a woman became a member of a stock exchange in Canada. It was in the Canadian Stock Exchange that the first step was taken and to date no other stock exchanges have followed suit. Nor have any women worked as traders on the floors of the exchanges.

48. Toronto, Winnipeg and Calgary stock exchanges reported that their by-laws prohibit the appointment of women as members. We were informed by the Toronto Stock Exchange that it was then in the process of revising its by-laws in order to leave the way open for the appointment of women. Neither of the other two exchanges gave any indication that changes are contemplated. The Montreal, Canadian and Vancouver stock exchanges reported that no regulations prevent women being named as members.

49. The by-laws of the Montreal, Canadian and Calgary stock exchanges were reported as requiring that traders on the floor be men. Toronto, Vancouver and Winnipeg stock exchanges stated their by-laws had no such restrictions. Nonetheless, there is no woman trader on the floor of any exchange in Canada.

50. Formal restrictions, then, cannot be entirely blamed for the absence of women as members or as floor traders in stock exchanges. The Montreal and Vancouver stock exchanges, where no sex restrictions exist for members, stated that they cannot recall applications for membership for women. The Toronto and Vancouver stock exchanges were unable to recall any applications for women to act as floor traders even though women were free to serve in this capacity.

51. If Canada's commitment to the equality of opportunity for women is to be met, there should be no sex barriers to their serving in these two areas. We urge that stock exchanges eliminate all references to sex from their by-laws.



*Summary*

52. Our findings show that the extent of women's economic power is not impressive. Women receive less than 20 per cent of total earned income and appear to hold less than half of the securities and real estate in Canada. They cannot be said to be more than equal to men in consumer-spending and their credit is restricted to some extent by law and to a greater extent by policies and practices. They are virtually unrepresented on corporation Boards of Directors and on stock exchanges.

53. All of this means that women are not in a position to have as great an impact as men on the economy. Because their incomes are smaller they do not have as much as men to invest. Because they are not on corporate Boards of Directors they are not participating directly in any decision-making by corporations. And, while their impact on consumer-spending is comparable to that of men, it falls far short of counterbalancing the better position of men in other areas.

54. Quite clearly most of the economic power is in the hands of men. Traditionally the economy has been a man's world and practice today perpetuates that tradition. Such a world provides fertile grounds for nourishing the belief that women's inferior financial position is synonymous with an incapacity to make important financial decisions. And one of the unfortunate consequences of such a long-standing belief is that women themselves fall victim to it. It is not surprising then that many women lack confidence in their ability to handle financial affairs or to play a useful part in setting corporate policies.

55. Women should ensure that they are fully equipped to assume greater responsibility within the economy when the opportunity arises. However, the power to involve women in the financial world rests primarily with the companies and we believe it would be to their advantage to use that power. If, for example, companies extend consideration to women when appointing company directors and corporate officers, they will open up a much wider range of experience and talents from which to make a choice.

**Part B—Unpaid Work**

56. Both women and men have always produced some goods and services without pay. But for women, the unpaid production of goods and services has been, and continues to be, a major economic activity.

57. More goods and services are produced without pay in the home than anywhere else and most of this production is carried out by women. Women



in the labour force spend a significant proportion of their time on household duties. And over half of the adult female population, roughly comparable to 45 per cent of the paid labour force, are employed full-time in the care of their families and homes.

58. Goods and services are also produced without pay in many family enterprises. The children work after school, some members of the family assist in their hours off work and others help out between jobs. But the long-term source of unpaid help is usually the wife.

59. Women and men everywhere belong to volunteer associations, assist in community projects or provide services in a variety of other ways. In associations alone, there are probably some four to six million Canadians who contribute services of one kind or another. Women form a substantial portion of this work force.

60. Economists have long grappled with the problem of how to include unpaid work in the Gross National Product, expressed as it is in money terms. Some success has been achieved. The production of food by farmers for their own consumption, for example, is given an imputed money value and included. But the production of goods and services by the housewife, by the volunteer, and by the unpaid worker in a family enterprise continues to go unrecognized.

61. The Gross National Product, as measured, fails to reflect a large proportion of women's work, the full-time production of goods and services by over one-third of the adult population. In terms of hours spent in production, the omission may have even greater significance. More than one expert has estimated that the number of hours spent every year in household functions alone is greater than the number worked in industry.

62. There are problems in evaluating the unpaid production of goods and services in money terms for inclusion in the Gross National Product. Information is lacking not only on the number of hours spent in unpaid production, but also on the time devoted to particular tasks. And, except in those cases where goods and services of the same kind are produced by paid workers, there is no guide for imputing earnings for those who produce the goods and services for no pay. Many of the goods and services produced by the housewife, for example, have no counterpart in the employment world since they are related to her unique role of wife and mother.

63. Economists in some countries have attempted to place a monetary value on the work of the housewife and volunteer by taking into account only those functions having a counterpart in paid work. A Canadian study

prepared by the Commission estimated that the work of housewives amounted to 11 per cent of the Gross National Product. In 1968, 11 per cent of the Gross National Product in Canada would have been about eight billion dollars. An estimate made in the United States, based on a somewhat different method, imputed for 1965 a value of slightly more than 21 per cent of the Gross National Product for housewives' services.<sup>14</sup> The same study also imputed a value of over two per cent for volunteer work. In Canada this would have amounted to some one and one-half billion dollars in 1968.

64. To view the housewife's work in the economic sense that money determines value is to distort the picture of her contribution to the economy. Such a concept, even if it imputes a money value to her work, fails to recognize those of her functions that can never be measured in money terms. Since these functions arise from her relationship with other members of the family, we deal with them in the Chapter on the family. This Chapter is restricted to our examination of those activities bearing some resemblance to activities in the paid world. They are viewed in occupational terms.

65. Many housewives are of course in the labour force and this aspect of their production is covered in the section dealing with paid employment. We do, however, give some additional consideration in this section to farm wives and to wives who work in other family enterprises. These women are usually in the ambiguous position of performing the functions of an employee and at the same time receiving no wages or salary for their work.

66. Like housewives, volunteers produce goods and services produced elsewhere for pay. And like housewives, they produce services that cannot be measured in money terms. In dealing with women volunteers, we go somewhat beyond the scope of this Chapter and report on the position of the woman volunteer not only in relation to activities contributing to the economy, but also in relation to activities affecting other aspects of Canadian society.

67. In each of these areas of unpaid production we found specific factors that are adversely affecting the position of women in the economy. But one fact stands out clearly. So long as most unpaid work is performed by women, their status will largely be determined by the economic importance society attaches to such work.

<sup>14</sup> Kendrick, John W. "Studies in the National Income Accounts". *Contributions to Economic Knowledge Through Research*. Forty-seventh Annual Report of the National Bureau of Economic Research, New York, 1967, p 11.

*The Housewife*

68. There are well over three and one-half million women in Canada whose full-time employment is the care of their families and homes. These women comprise one of the largest occupational groups in the economy. Yet they are repeatedly asked, "Do you work or are you a housewife?"

69. That the functions of a housewife are not generally viewed as an occupation is apparent. Little has been done in the way of identifying or evaluating household functions. Nor have household functions been subject to the extensive methods studies to which other occupations have been exposed. There is a major obstacle in the way of a study of this kind. While there are certain responsibilities common to virtually all housewives, the magnitude of these responsibilities and the tools used vary greatly. Preparing meals for a large family without modern cooking equipment, for example, can be quite a different task from preparing meals for a family of two with all the household appliances available. More than this, the tasks of a housewife are greatly affected by the ages and numbers of children in the home.

70. But there is one aspect of the occupation housewife, the term used in many forms, that has attracted scientific interest. Studies conducted in several countries have sought to establish the time spent on household functions. Some have tried to determine how the housewife distributes her working hours.

71. Categories examined and the size and type of samples have varied greatly in the studies. Two of the more recent ones suggest that housewives with no outside employment work daily anywhere from six hours when there are no children up to 11 hours when there are two or more children.<sup>15</sup> One of the studies found that, where there are children, on the average about one-third of the time is spent in child-care and two-thirds in housekeeping.<sup>16</sup> The other study reported approximately one-third of the housewife's time was spent in cleaning, cooking and washing dishes.<sup>17</sup>

72. The housewife works fewer hours in the home when she has outside employment. When she has full-time outside employment both studies found that she probably works about four hours daily at home as well.

73. It is apparent that long hours are a characteristic of the occupation housewife. The housewife at home with no children may have shorter work-

<sup>15</sup> Girard, A. "Le budget-temps de la femme mariée dans les agglomérations urbaines". *Population. L'Institut National d'Etudes Demographiques*. Paris, 1958, n°4, p. 607, and Dahlström, Edmund. *The Changing Roles of Men and Women*. London, Gerald Duckworth and Co. Limited, 1967, (translation), p. 31.

<sup>16</sup> *Loc. cit.* Girard.

<sup>17</sup> *Loc. cit.* Dahlström.

ing hours than women who work outside the home for pay. On the other hand, the housewife in the labour force and the housewife with two or more children are likely to work over 11 hours a day. An 11-hour work day on a regular basis would not be countenanced in industry.

74. Comparison with much earlier studies suggests that hours spent on housework have not decreased as much as one would expect in a technological age. The question therefore arises whether or not housework has been influenced by the same forces of technological change that have transformed and continue to alter the rest of the economy.

75. Mechanization of the old processes of spinning, weaving, cutting and sewing has transferred the manufacture of clothing from the home to the factory. Commercial laundries have taken over much of the cleaning. Truck-gardening, canning, freezing and pre-cooking have lessened the importance of the home in the production, preservation, and preparation of food.

76. Mechanization has also entered the home. Electric power, and its distribution over long distances, and the invention of the small, inexpensive, low-horsepower electric motor have made previously existing inventions practical for the home. A simple mechanical washing machine, for example, was available in 1869, but it took electric power to make it generally useful. Electrical appliances have been developed and their use has become widespread at an ever-growing pace. Table 3 shows the changes in the percentages of Canadian households owning various appliances from 1948 to 1968.

Table 3. Percentages of Canadian Households Surveyed that Had Certain Household Equipment, 1948-1968\*

Item	1948	1953	1958	1963	1968
Hot and cold running water....	—	62.57	73.50	84.86	90.97
Gas or electric stove**.....	48.49	62.73	76.66	87.24	94.03
Mechanical refrigerator.....	29.26***	66.33***	86.24***	94.20	97.44
Home freezer.....	—	2.22	8.17	17.66	29.16
Electric washing machine.....	59.21	76.38	84.28	86.81	83.57
Vacuum cleaner.....	32.02	48.01	60.94	72.45	—
Electric sewing machine.....	—	23.43	36.30	49.03	—
Gas or electric clothes dryer....	—	—	—	21.60	36.79
Automatic dishwasher.....	—	—	—	2.08	5.08
Floor polisher.....	—	—	—	—	55.01

SOURCE: Dominion Bureau of Statistics. *Household Facilities and Equipment*. Ottawa, Queen's Printer, 1948, 1953, 1958, 1963, 1968. Cat. no. 64-202.

\* Does not include households in the Yukon, Northwest Territories or on Indian reservations.

\*\* Includes piped and bottled gas and oil or kerosene.

\*\*\* Includes both gas and electric refrigerators. The number of gas refrigerators, however, dwindled rapidly, so that their exclusion from the statistics after 1958 probably makes little difference.

—No statistics available.



77. During the same period, some of the activities which had been previously carried on in the factories returned to the home. The home laundry has been greatly helped by the introduction of automatic washers and dryers, hot and cold running water, new detergents and additives, electric steam irons and by new fabrics that are easier to clean and care for. A durable press process on items such as sheets, shirts and slacks has come on the market. Sewing machines, electric scissors and standardized patterns have brought the making of at least some clothing back into the home. Supermarkets have provided one-stop marketing. The preservation of food has been transformed by the evergrowing number of home freezers.

78. Other functions, which had stayed in the home, have been greatly altered. Meal preparation has been changed by the introduction of a wide variety of appliances. New quick-freezing techniques for fresh food, along with improvements in canning and pre-cooking techniques and the addition of chemical fortification to foods, make it possible for the family to eat varied and nutritious meals with much less preparation in the home.

79. Perhaps the greatest change has been in cleaning, the everlasting and laborious task of the housewife. Modern heating and air conditioning systems mean less dirt and soot. A variety of new chemical products, from rug shampoos to stain removers, and new materials, including plastics, paints, wallpapers, tiles and treated fabrics take some of the effort out of cleaning.

80. Technology has also played an important part in the construction of homes, which are now better designed, and are easier to clean and maintain than in the past.

81. Technology has obviously helped the housewife in a great many ways, but it may be that technological change has so far only been sufficient to alter the old adage that "women's work is never done" to "women's work is from sun to sun". The disappearance of the extended family of the past, with female relatives who could help out, and the shortage of paid assistance have also served to counteract the impact of technological change on the housewife's time. Most housewives today must do all their work themselves.

82. While technology has had some impact on the time required to care for the child, many child-care functions remain relatively untouched. It has not done a great deal to reduce the personal help and attention required by a child.

83. Today's housewife has more to organize than in the past. Since the home is now dependent on outside agencies for many supplies and services, she must keep in touch with them, doing everything from shopping to calling



the plumber, the electrician or the television repairman. Organization also involves planning and frequently budgeting. The modern housewife must decide not only how to organize various tasks, but also what activities should be carried out in the home: whether, for example, the time saved by using pre-cooked food is worth the extra expense. With advances in preventive medicine, she must also allocate time for regularly taking her children to the doctor and dentist. Many wives also act as family chauffeurs.

84. Perhaps one of the greatest reasons for the persistence of long hours for the housewife is the domestic equivalent of Parkinsons's Law. As better organization and equipment make it possible for her to do the same work faster, she often raises her standards, and uses the increased efficiency to do more work in the same time. A 1945 study showed that women use appliances not to save time but rather to provide easier and better methods of accomplishment, in fact to raise the standard of living.<sup>18</sup> It has been claimed that "every labour-saving appliance brings a labour-demanding elaboration of housework".<sup>19</sup> But perhaps more than this, the housewife is spending more time in the care and personal development of her children.

85. In spite of the long hours, the role of housewife has many advantages and satisfactions. Some of the occupational advantages are not unlike those found in the operation of a small private enterprise. To a degree, the housewife establishes standards for herself, sets priorities, plans activities and allocates her time. She is involved in both project and financial administration. Satisfactions which many housewives derive from their work are the opportunities afforded to be creative, socially useful, and to undertake a variety of challenging tasks. Some housewives also value their work because it permits them to engage in useful outside activities.

86. But the housewife has problems and some of them are occupational in nature. One such problem is the lack of fringe benefits usually available to people in the labour force. As in the case of the owner of a business, there is no way to enforce time off and holidays for the housewife. The housewife works long hours and is usually on call around the clock and we believe that it should be made easier for her to get away from her responsibilities on a fairly regular basis. Our recommendations in the Chapter dealing with children regarding day-care centres and homemaker services may help to solve this problem.

<sup>18</sup> Carola Woerishoffer, Graduate Department of Social Economy and Social Research, Bryn Mawr College, Bryn Mawr, P.A. *Women During the War and After*. Philadelphia, Curtiss Publishing Company, 1945, p. 37.

<sup>19</sup> Friedan, Betty. *The Feminine Mystique*. New York, Dell Books, 1963, p. 231.

87. Another disadvantage of the occupation is that often the housewife does not have the stimulus of outside contacts. A study of British working wives found that 21 per cent work "for the pleasure of meeting other people, instead of being cooped up in their homes all day."<sup>20</sup> Proposals we make elsewhere regarding training, voluntary activities and information centres should help relieve the feelings of alienation which some housewives experience.

88. Probably the most frequently voiced dissatisfaction of married women who work in the home is the low status society gives to housework when they themselves feel the work they perform there is important to the family and society.

89. One writer<sup>21</sup> has given an interesting explanation of why the work of the housewife has a low status in the minds of many people. Our social stratification is defined by occupations, with the educational system turning out boys and girls who are trained to perform specialized functions as individuals. Even our family system is "geared to the demands of a highly rationalized occupational system".<sup>22</sup> The status of an individual depends on occupation rather than role in the family.

90. In such a system the author says society gives few rewards for housework, which is diffuse, non-specialized and unpaid. Today's job-oriented society is unsure of what to make of this type of work. The low status is passed on to the individual who works in the home, and her role is regarded by many in an ambivalent way. On the one hand, she is praised as a wife and mother. On the other hand, she is often judged by the standards of the world of work.

91. Although many housewives do not feel their status is low, the relationship of their unpaid housework to the economy should be clarified. Perhaps it would help if a way could be found to include their unpaid production of goods and services in the Gross National Product.

92. Related to the problem of low status is that of financial dependence. With rare exceptions, the woman who stays at home depends on her husband for money. While she may receive a family allowance cheque, the money is spent on the cost of keeping a child and cannot be regarded as payment for its care. Unfortunately we have no over-all solution for the financial depen-

<sup>20</sup> Rowntree, B.S. and G.R. Lavers. "Poverty and the Welfare State". The Joseph Rowntree Charitable Trust, London, Longmans Green and Co. Ltd., 1951, in Myrdal and Klein. *Women's Two Roles*. London, Routledge and Kegan Paul, revised edition, 1968, pp. 84-85.

<sup>21</sup> Kluckhohn, F. R. "The Cultural Factors in Social Work Practice and Education". *Social Science Review*. Vol. 25, March 1951, pp. 45-57.

<sup>22</sup> *Ibid.* p. 45.

dency of housewives. But there is one area in which steps could be taken to give them some financial independence at least in their later years. Housewives should be entitled to pensions in their own right under the Canada Pension Plan or the Quebec Pension Plan.

93. The housewife who remains at home is just as much a producer of goods and services as the paid worker, and in our view she should also have the opportunity to provide for a more financially secure future. Canada has given some of its workers an opportunity to do this through the Canada and the Quebec Pension Plans. To neglect to do the same for some three and one-half million other workers in the home is to ignore the essential nature of their work.

94. The Canada and the Quebec Pension Plans do not entirely ignore housewives since they provide for a pension for a widow of a contributor. In other words, these Plans recognize that a widow should benefit from her husband's contributions.

95. This is in keeping with the concept of marriage as a partnership. But in recognizing only the rights of a widow to a pension on the basis of her husband's contributions, the Plans go only part way. For example, in the case of marriage breakdown, the former wife loses all claim to a widow's pension. This can cause hardship when the breakdown occurs late in life and the wife has had insufficient time to build up a reasonable pension through her own paid work. A second wife may reap the benefits of the contributions made by the husband during his first marriage.

96. Even if a divorced or separated woman enters paid employment, the pension she earns may be adversely affected by the years she spent in the home as a housewife. Pensions are related to earnings and her earnings prior to, during and after marriage are averaged over the number of years she could have been employed, and this includes the time that she remained in the home. While some provision is made for reducing the number of years to be averaged, there will be cases in which a divorced or separated woman will be unable to work a sufficient number of years to make up for a non-earning period as a housewife.

97. For all of these reasons provision must be made for the participation of housewives in the Canada or the Quebec Pension Plan. A comprehensive study will be required to determine the best way of achieving this. It will have to be undertaken by specialists in the field. However, two approaches seem to us to have considerable merit. The approaches, while differing in several important respects, can operate simultaneously.

98. The first approach is based on the premise that a wife at home should have a share in her husband's contributions at the time the contributions are made. This would be accomplished by crediting the housewife with a portion of the contributions of her husband and of the contributions made by his employer on his behalf. This approach would serve to correct the defects we have just described. In cases of marriage breakdown, for example, the woman would have contributions attributed to her for the period in which she remained at home during the marriage. If she did not enter paid employment after divorce or separation, her right to a pension would be computed on the basis of the contributions made in her name during her marriage and any contributions she had made before her marriage. And, if she entered paid employment, the contributions made in her name during marriage would count toward her pension since they would represent earning years.

99. Such an approach would have some implications for the marriages that remained intact. When the husband became entitled to a pension, a portion of the pension would be sent to the wife as her earned share.

100. When the housewife contributes to the plan as a paid worker, she should usually not be credited with any portion of the contributions of her husband. Whether or not it is always the case, the assumption must be made that responsibility for performing household functions after work is shared equally by the husband and the wife. But there would be cases where the earnings of the wife were low and a scale should be developed in which the portion of the husband's contributions credited to the wife would diminish as her earnings increased. Extra protection would also have to be provided for the widow with young children and a decision reached on the pension a husband or wife would receive on the death of the spouse.

101. The second approach that has merit would be to permit a housewife to build up a pension by means of the contributions she makes herself. In terms of the plan, she would be a self-employed worker and, in our view, this more nearly reflects what her position actually is. Since payment of a housewife's contribution might be a cost that some families could not afford, we think it would be advisable to make this approach optional. We realize that contributions to the plan are based on earnings and that therefore a means of establishing the earnings of a housewife might need to be found. As a possible alternative, we suggest that the feasibility be explored of the housewife paying what she can up to the maximum now prescribed in the plan.

102. We have described these approaches in terms of their application to housewives, but they apply equally to husbands who remain at home.



103. Therefore, we recommend that (a) both the Canada and the Quebec Pension Plans be amended so that the spouse who remains at home can participate in the Plan, and (b) the feasibility be explored of

- (i) crediting to the spouse remaining at home a portion of the contributions of the employed spouse and those contributions made by the employer on the employed spouse's behalf, and
- (ii) on an optional basis, permitting the spouse at home to contribute as a self-employed worker.

104. It is interesting to speculate what the future of the housewife may be. Some of the more imaginative predictions envisage the following changes in household tasks.

105. The trend to more and more mechanization will probably continue in the automated home, especially in the kitchen. Radiation units may be developed for sterilizing food so that it can be preserved indefinitely, and microwave ovens, for cooking it in a few minutes, will probably be common.

106. The rest of the house will also reap the benefits of automation. New surface coatings requiring little or no cleaning of walls and furniture have been predicted as well as electrostatic filters that will help to eliminate dust.

107. Even if all the many predictions for the future do not become realities, it is highly probable that many of the routine tasks of the housewife will gradually be eliminated. Nevertheless, it is apparent that technological change cannot be counted on to reduce significantly the hours required for child-care. Nor will it eliminate the planning and organization required for the management of the family. However, if these responsibilities are shared between husband and wife, the full-time housewife of the future will probably have more time for the creative and challenging aspects of her work.

### *The Farm Wife*

108. In a number of ways, the situation of the farm wife in the economy is very different from that of the urban housewife. Certainly, like the urban housewife, the farm wife manages the household and cares for the children. But with no supermarkets, commercial cleaning establishments and other similar services close at hand, her housework is generally somewhat more difficult. Furthermore, the farm wife plays a virtually indispensable part in the successful operation of the farm.

109. In the last two decades, the impact of technology on the household functions of the farm wife has been even more dramatic than in the case of her urban counterpart. At the beginning of that period, the use of automatic



household appliances in farm homes fell far short of their use in urban homes. Automatic household appliances generally require gas or electricity and while one or the other became available to most urban homes long before the 1940's, the widespread use of electricity in rural areas did not begin until the 1950's, and it was not until 1966 that 88 per cent of rural homes had electricity.<sup>23</sup>

110. But even when electricity made household appliances available to farm homes, the needs of the farm always came first; it is the family's livelihood. After World War II, limited resources had to be directed immediately to modernizing farming. In 1941, for example, there were 22 tractors per 100 farms in Canada; by 1961 there were 114 tractors per 100 farms. During the same period, the number of combines per 100 farms rose from three to 82.<sup>24</sup>

111. While the farm wife has not yet caught up with the urban housewife in the use of the most modern equipment, the gap is closing. In 1948, for example, over 90 per cent of farm women were still burdened with wood or coal stoves. By 1968, almost 63 per cent had electric or gas stoves. While only about a third of farm homes had electric washing machines in 1948, by 1968 they were in nearly 95 per cent of the homes, surpassing the percentage of homes in large cities.<sup>25</sup>

112. Although figures for home freezers were not kept for 1948, the figures given for 1968 show an interesting comparison between farm and city homes. In that year more than three times as great a percentage of farm as city households had home freezers.<sup>26</sup> It is probable that this is the appliance that makes the greatest difference in the household tasks of the farm woman.

113. The last two decades have also marked some significant changes in her farm functions. The majority of farm wives have always assisted in the operation of the farm. But the nature of their work has responded to modernization. In earlier days when much of the work was done manually, the husband and wife often worked side by side in the fields. As farm machinery was introduced, more of the wife's time was devoted to work near the home. And, with mechanization and other changes in farming, she became less and less needed for manual work.

<sup>23</sup> McKie, Craig. "The Family in Rural Canada". *The Family in the Evolution of Agriculture*. ed. Eve Kassirer, Ottawa, Vanier Institute of the Family, 1968, p. 12.

<sup>24</sup> Abell, Helen C. "The Adaptation of the Way of Life of the Rural Family in Canada to Technological, Economic and Social Changes". *The Family in the Evolution of Agriculture*. Ottawa, The Vanier Institute of the Family, 1968, p. 17.

<sup>25</sup> Dominion Bureau of Statistics. "Household Equipment" 1948. "Household Facilities and Equipment" special table, series B. Unpublished 1968.

<sup>26</sup> *Ibid.* DBS, 1948, 1968.

114. As the farm became more mechanized it also became more and more a business. Today, large farms require the keeping of detailed accounts of production and sales. Records must be kept of employees, and pay deductions made. In many farm families the wife has more formal education than her husband and is better equipped to do this work. The keeping of farm accounts is now a significant function of many farm wives.

115. The rapid introduction of labour-saving devices into Canadian farm homes in the last few years has not necessarily meant that the farm wife no longer works hard. Although the situation has improved, she has not quite reached the urban level of home mechanization, and studies show that even the urban housewife must still do a great deal of tedious work. More than this, there are many farm families that cannot afford the labour-saving devices. In 1967, the Agricultural and Rural Development Administration concluded that 44 per cent of Canadian farm families were poor.<sup>27</sup> The household and farm responsibilities of wives in these families may not be too different from those of farm women before the recent impact of technology.

116. In her household functions, the farm wife encounters much the same problems as the urban wife but sometimes these problems are more acute. The average farm wife has a larger family to care for than the urban housewife. In 1966, rural families had an average of 2.4 children, compared to only 1.8 children per urban family. Yet in a recent survey of farm women, only 10.6 per cent of the respondents said they were helped in their housework by a relative, which would include older children.<sup>28</sup> Nor, according to the survey, do they receive much help from other sources: only 3.0 per cent of the respondents had full-time household help. Of all the respondents, 85.9 per cent had to bear the full burden of housework.

117. Of the respondents in the survey, 73.4 per cent had no vacation at regular intervals. As one respondent put it, "Farm wives with small children are often hard put to manage their chores and their children and their homes. It is too much."<sup>29</sup>

118. The use of the word "manage" is significant. Another problem of the modern farm wife is the management of time, money and resources for the farm and home. Planning and management on a farm are usually more difficult than in the city since there is seldom a regular source of income and

<sup>27</sup> Menzies, M. H. "Philosophical Dimensions of Rural Poverty in Canada". *Canadian Journal of Agricultural Economics*. Vol. 16, no. 3, October 1968.

<sup>28</sup> Family Herald Questionnaire. "What is your Point of View on Horizons for Farm Women?" *Family Herald*. no. 16, Montreal, September 26, 1968, pp. 57-59.

<sup>29</sup> *Loc. cit.*

the financial requirements of the farm vary from year to year. The farm wife must be able to manage on a smaller cash income and be flexible enough to adapt to changing conditions.

119. One of the more serious drawbacks of being a farm wife is that it requires living away from populated areas. In one sense, the farm wife is less isolated than the urban wife because she usually works with her husband in the operation of the farm. But she is much more isolated in terms of contacts outside her work. Even more than the city housewife, she is tied to her home. To the common problems of scarce babysitting and housecleaning services, which are even rarer in sparsely-settled rural areas, are added those of distance and communication. It is not usually feasible to transport children to day-care centres and kindergarten even though they may be available in the nearest town.

120. The farm wife, like the urban housewife, is usually financially dependent on her husband. Wives rarely receive a cash income for the work they do on the farm. Of the respondents in the survey who performed such work, over 95 per cent received no pay.<sup>30</sup>

121. Briefs to the Commission described other dissatisfactions of the farm wife that were not as relevant to the urban wife. The farm wife actively participates in the family's source of livelihood and yet has no legal share of the assets accruing from it. Many briefs and verbal submissions proposed that the farm wife be allowed a legal half share in all assets acquired by the family during the marriage.

122. Since our hearings, amendments to the Income Tax Act have provided some measure of relief. With the removal of the gift tax on gifts made to a spouse, a husband may now give his wife a half share of his assets. The wife can be assured that her inheritance will not be taxed under the federal Estates Act on her husband's death. The Chapter on taxation deals in more detail with this subject. The Chapter on the family deals with partnership of acquests as a protection of the interests of women. The latter is particularly relevant to farm wives since they usually engage in activities directly contributing to the accumulation of farm assets.

123. Briefs mentioned another problem closely related to the fact that farm wives assist in the farm operation. In an occupational sense, they often work in the capacity of an employee. Yet if a wife is paid a wage or salary, Section 21 (2) of the federal Income Tax Act prohibits the husband from deducting this amount as a business expense. In the Chapter dealing with taxation we discuss this problem.

<sup>30</sup> *Loc. cit.*

124. Our discussion has centred around farm wives. But in some instances women are managing farms and ranches they own. The situation of these women is not very different from that of women in occupations and professions predominantly male. However, since certain farm and ranch activities are carried out through farm and ranch associations, it is particularly important that women members have the same opportunity as men to make full use of the advantages these associations offer. Representations have been made to the Commission that this is not always the case. We urge these associations to examine their policies and practices to ensure that nothing stands in the way of full participation by their women members.

125. What does the future hold for women on the farm? It is probably safe to say that their numbers will decrease. In 1941, there were 732,832 farms in Canada and in 1966 only 430,522.<sup>31</sup> Surviving farms are likely to become bigger and to be run by fewer people.

126. If farming becomes predominantly big business, the farm women of the future may find their functions absorbed by the incorporated farm. In such an event, their work will not be very different from that of their urban counterparts and they may turn in increasing numbers to paid employment. But there is no reason to believe that this will necessarily be so. In the future when men and women are on an equal footing in the economy, the incorporated farm may offer just as many career opportunities for women as for men.

### *The Woman in a Non-Farm Family Enterprise*

127. Unpaid women workers are to be found in small unincorporated family businesses such as stores, small factories, restaurants and motels, in home-based services and activities, and in the professions. For most of the last five-year period, the number of unpaid women workers in non-farm family enterprises has fluctuated between 50 and 60 thousand.<sup>32</sup>

128. Unpaid wives, and sometimes daughters and sons, provide the small businessman or the professional man with a labour reserve on which he can quickly draw when the volume of production and sales increases rapidly or when there is a temporary overload of work. Seasonal fluctuations in numbers do not show a clear trend but there is a tendency towards peak employment of unpaid family workers in the summer and, in some years, in the late fall. In the summer, this may be the result of increased employment of

<sup>31</sup> Dominion Bureau of Statistics. "Agriculture." *Census of Canada*. Cat. no. 96-601, Ottawa, Queen's Printer, June 1968, Table 2.

<sup>32</sup> Dominion Bureau of Statistics. *The Labour Force*, monthly publication. February 1963 to December 1968, Cat. no. 71-001.



women in small motels and family tourist resorts. In the late fall, women are perhaps being called upon to assist in family stores and businesses in response to early Christmas shopping activities.

129. Very little research has been undertaken in the field of unpaid employment of women in non-farm family enterprises, so there is almost no information available on their hours of work or other working conditions. Nor did briefs we received deal with these matters. Some briefs did, however, express great dissatisfaction with Section 21 of the federal Income Tax Act which is apparently creating the same problems for these women as it creates for the farm wife. We can only add that the inequitable effects of this Section on the woman in a small family enterprise is a further example of the great need for the changes we propose in the Chapter dealing with taxation.

### *The Woman Volunteer*

130. Worthwhile volunteer activities are important both to society and to the individuals who participate in them. But there is another reason for examining women's position in this field. Since women are rarely on policy-making bodies at any government level, volunteer activities have been their major means of exerting pressure for social change.

131. Because there is no way of knowing the extent and nature of all the voluntary activities that people undertake on their own, the position of woman must be viewed in terms of group activities. Within this framework, this section deals with the opportunities women have to satisfy their needs through these channels, the kind of voluntary contributions they make and the degree to which society is using their volunteer resources.

132. That women turn to organized volunteer activities to meet certain of their needs is apparent. Today probably between two and three million women, a volunteer force roughly comparable in size to the female labour force, are members of volunteer associations.

133. Motives prompting people to engage in volunteer activities are not easily distinguishable. It is difficult to establish, for example, whether a woman joins a service association primarily because she is seeking new social relationships or because she feels the need to be useful beyond the bounds of her traditional responsibilities. It is equally difficult to know whether a man joins, for example, a property-owners' association because he recognizes the strength of group action in the protection of common interests or because he is seeking new challenges that will tap unused skills and abilities.

134. Doubtless the same range of motives prompts both sexes, nonetheless, they will not exert equal pressure. In a society in which only one-third of

the women are in the labour force, more women than men will feel the need for some link with the larger world of the community. Fewer women than men will probably feel the need to improve or protect their occupational status.

135. The kind of associations that women join gives an indication of their current interests and indirectly their needs. A quick look at the development of women's associations shows how new interests have developed through the years to keep pace with a changing society.

136. It was during the nineteenth century that both women and men became very much aware of the advantage of joining with others to tackle social and welfare problems. Voluntary associations sprang up and spread across the country and included among these were women's groups. The first women's associations tended to be oriented to religious matters, welfare and patriotism. They were quick to realize the added strength they could achieve by organizing both on a national and international scale and by joining together in a loosely-knit federation.

137. As the horizons of women widened, new types of associations appeared. Of those reported in the *Directory of National Women's Organizations in Canada*,<sup>33</sup> the first national occupational association was founded shortly after the turn of the century. The first national political associations were formed a quarter of a century later and national service and civic groups also began around that time. Included among the objectives of many of these was the improvement of the status of women.

138. While the *Directory of National Women's Organizations in Canada* by no means covers all associations, it does give some indication of a change in emphasis during the last decade.<sup>34</sup> An examination of the yearly issues during that period indicates a decrease in membership in patriotic and in church and religious associations. Political, occupational, professional, service and civic groups seem to have grown at a faster pace than the adult population, and educational associations seem to have just kept pace. Although there is no similar information available on organizations open to both sexes, there is no reason to believe that their development has been much different.

139. One point stands out clearly in the history of women's associations. Society has always looked to them to meet service needs and they have responded. There is little doubt that the need to be socially useful has always been one of the reasons why women join voluntary groups.

<sup>33</sup> Canada Department of Labour. Women's Bureau. *A Directory of National Women's Organizations in Canada*, 1968-69.

<sup>34</sup> *Loc. cit.*

140. Through the years women have made an impressive contribution to the community. Regardless of their primary functions, the majority of associations include some aspect of service in their objectives and others generally become involved from time to time. If service contribution is any measure of the satisfaction of the need of women to be socially useful, associations have served their purpose in meeting this need. Women are contributing many millions of service hours annually through group activities.

141. To meet the needs of their members and the needs of society, associations have had to adapt to change. Perhaps the most striking changes have occurred in the welfare field. In this century, associations have moved from a position in which they tried to meet acute welfare needs, and society expected them to do so, to a position where many of these needs are now met by governments. Consequently, some associations have discontinued service projects of long-standing, and other associations are much more careful about undertaking services until they have assured themselves that similar services are not provided or planned for elsewhere.

142. But associations are generally more flexible than governments and are in a position to respond much more quickly to immediate needs. Many now find themselves filling a gap in a welfare programme until the need for the service is firmly established and government at some level is ready to provide it. A volunteer group, for example, undertakes to support a centre for latch-key children until funds are available from the municipality. Another group helps to staff a day-care centre until the municipality is in a position to provide paid staff.

143. With many of the critical welfare needs being met by government, associations are widening their scope to include rehabilitation and preventive welfare services. Women's groups are now providing services for juvenile delinquents and for offenders on their discharge as well as during periods of probation, detention and parole. They are working in day-care nurseries, providing assistance to Indians and Eskimos in a variety of ways, and giving care to the aged and handicapped.

144. Through the years, voluntary associations have provided educational services of one kind or another. But many traditional programmes have substantially changed and new programmes and techniques have been adopted. Included among these are youth and adult educational services, family life and cultural enrichment programmes, counselling, occupational and management training and the integration of immigrants. The granting of scholarships and bursaries has long been a popular means used by women's associations to raise women's educational level. Many of these programmes have been revised in view of the present system of student loans and the greater number of scholarships available.

145. Occupational associations, on the other hand, are a later development. Welfare problems are very old but women only began to enter professions and white collar occupations in any significant numbers after the turn of this century. Professional and occupational groups provide their members with an opportunity to keep up-to-date in their fields and to exchange ideas with colleagues. They also sometimes serve as a means for members to effect social and economic change related to their particular field of interest.

146. With some exceptions, professional and occupational associations are open to both sexes. But because of the sex-typing of some professions and occupations, membership is sometimes predominantly of one sex. Professional associations predominantly female have had a particularly important role to play in pressing for equality of status for their professions with those professions predominantly male.

147. This century has seen a growing number of women turn to volunteer associations as a means of meeting their needs for wider horizons and greater participation in public affairs. With communication media reaching virtually into every home, it is somewhat of an anachronism that some women feel more alienated from society than ever before. For many women, volunteer groups are a main source of new social contacts, the door to involvement in community affairs, and a means of improving their education and putting to use untapped skills and abilities.

148. Volunteer associations are more and more being called upon to interest their membership in such wide-ranging subjects as plans for a new community centre, safety promotion and housing; and the work of the United Nations. They are responding to this call and are striving to have a well-informed membership that will be able to participate effectively.

149. Women are also looking to associations to provide a particular kind of participation beyond their reach elsewhere. Although women are conspicuously absent in positions of power both in the economic and political worlds, through associations they have been able to exercise power and influence for social change in many areas, particularly in matters affecting the rights and freedoms of women.

150. Much of the credit for equal pay legislation is due to women's associations which tenaciously solicited provincial and federal governments. They have urged Canadian ratification of United Nations and International Labour Organization conventions relating to women. Estate taxes, jury duty and penal reform are but a few of the other matters on which they have approached governments. Not only have they been instrumental in bringing about reform but they have served the role of keeping governments informed of women's views on current affairs.



151. These are some of the needs that women are turning to associations to meet. And in many ways the task associations face in meeting these needs is becoming increasingly complex. Briefs told of serious problems. Some associations are suffering from shrinking membership and are at a loss for ways to combat it. Others are growing old: young women are not joining. Related to these problems is the lack of leaders and the lack of trained members. It is apparent that more training courses for volunteers should be available as we point out in the Chapter on education.

152. Shortage of funds is also a problem. With administrative costs soaring and, in some cases, membership decreasing, associations find it difficult to maintain even the services that they have been providing. Yet they know that these and other services are badly needed.

153. If these associations were forced to stop their service work, there is no doubt that some of it would have to be carried out by governments. But quite aside from the advantages to governments of free production of services, it is desirable that citizens should personally assume some responsibility for meeting the needs of society. A number of departments of governments have recognized the value of volunteer services and are providing financial assistance to a few associations in the form of grants. In some instances, a yearly sustaining grant is given to groups providing a continuing service which assists in implementing a government objective. In other cases, a project grant is awarded for the purpose of assisting an association so that it can undertake a short-term project.

154. We believe that greater consideration should be given to providing grants to associations performing useful social functions in fields particularly of concern to women. In our view, they should be made available both to associations performing long-term functions such as the operation of hostels or half-way houses and to those undertaking innovative and experimental projects. The flexibility and political freedom of associations make them particularly suitable for engaging in the latter.

155. Therefore, we recommend that the federal, provincial and territorial governments (a) make greater use of women's voluntary associations; and (b) increase their financial support to

(i) women's voluntary associations engaged in projects of public interest, and

(ii) voluntary associations working in fields of particular concern to women.

156. Some associations are able to see an end to the need for some of their traditional programmes and in some cases even their objectives, and yet, because they provide vital services to their members, disbandment is out of the question.

157. A number of briefs presented to the Commission suggested that a central agency at the national level could provide guidelines for the best use of volunteer resources in terms of the needs of today. Certainly it could serve a useful purpose as a clearing house for information on volunteer activities and as a source for research on the effective training and use of volunteers. More than this, it might well be in a position to foster the co-ordination of volunteer activities at all levels by encouraging the establishment of local and provincial volunteer bureaux. The adoption of a proposal made to the National Capital Commission some years ago for the establishment of a building in Ottawa to house the headquarters of national volunteer associations, could provide an admirable location for such a central volunteer agency.

158. The problem perhaps most frequently mentioned by briefs from women's associations was the lack of recognition society gives to the contribution that voluntary activities make to society. These associations are not just seeking praise for a job well done, but it is the conviction of many of them that lack of recognition is adversely affecting their ability to recruit members.

159. Part of the answer to proper recognition of the contribution of voluntary associations may well be better publicity about the value of their accomplishments. Responsibility for this must lie with the volunteer groups themselves. However, associations might give some thought to arranging jointly for publicity through a central agency such as a local volunteer bureau. A combined financial undertaking of this nature might make a more effective public relations approach possible.

160. Briefs repeatedly urged the recognition of volunteer work as experience for employment purposes. We support this proposal provided that the volunteer experience is relevant to the requirements of the paid position.

161. Therefore, **we recommend that the federal, provincial and territorial governments include in their selection standards for appointment to positions in their respective governments, the assessment of volunteer experience in evaluating the qualifications of applicants.** We believe that other employers would benefit from following the same practice.

162. A close relationship between governments and the people is difficult in a country the size of Canada, characterized as it is by a great diversity of interests, cultures and needs. Citizens will continue to seek a smaller, more personal world through which they can satisfy their needs, perceive and understand social change, participate in government and meet their obligations to society. Volunteer associations have provided such a world and will probably continue to do so.

163. As far as the associations listed in the *Directory of National Women's Organizations in Canada* are concerned, there are no grounds for predicting that women's associations will eventually disappear. The difference in total membership reported in the 1961-62 and 1967-68 issues is at best inconclusive.<sup>35</sup> As we have pointed out in the Chapter on society, in the last few years new women's groups have emerged. Much is being heard of the women's liberation movement, a movement taking form through a variety of associations.

164. With growing leisure, associations of a different nature will probably begin. There is already evidence that women are increasingly looking to volunteer work for a new challenge and an opportunity to use skills and abilities not being used elsewhere. The day seems to be disappearing when volunteers are willing to devote their time to routine service tasks and to leave all the more challenging work in the hands of professionals.

165. In the immediate future, governments should take a close look at the uses that can be made of women volunteers not only collectively but also individually. Particularly in the fields of health and welfare, governments have taken over many functions and projects formerly in the hands of women volunteers and have been somewhat loathe to use their services. But with the accent now placed on human resources development programmes in the field of preventive welfare, it is becoming increasingly apparent that volunteers are an essential source not only for the supply of workers but also for the direction of community programmes.

166. We believe nothing should be done to interfere with the autonomy of volunteer work. However, we urge governments to explore the new direction that volunteer work is taking and to find ways for government agencies to work more effectively with volunteers so that they may make a maximum contribution to the human resources development programmes within their communities.

<sup>35</sup> *Loc. cit.*

### *Summary*

167. So far we have dealt only with the position of women in specific areas of unpaid production of goods and services. But what is the broader picture? Is it the choice of women that they carry the burden of unpaid production or are there outside forces that leave them little alternative? These are vital questions for, if the rights of women as individuals are to be respected, they must share in deciding what their role will be.

168. The widespread assumption that wives are responsible for the home has particular repercussions in today's world. It is apparent that many wives feel they are being torn between conflicting values. On the one hand, the traditional division of labour makes the care of the home and family the woman's responsibility. On the other hand, the need for more workers with the skills that some housewives possess is being emphasized in many quarters. With experts offering advice on all sides, even the best adjusted wife is likely to wonder whether or not she is on the right course.

169. Earlier we touched briefly on the financial dependency of housewives which results from their production of goods and services without pay. Perhaps more than anything else, this is responsible for the present position of women. It can have a destructive effect both on the housewife and on daughters who, because they take the housewife's state of dependency as a matter of course, may see little purpose in preparing for financial independence for themselves. More than this, the fairly common state of women's financial dependency follows those seeking to escape it through paid work. In the business world, the belief still remains with some employers that women should be paid less because they have husbands to support them.

170. One of the most destructive features of financial dependency is that it can undermine the confidence of the housewife in her own ability to make decisions not only within the home but also in the outside world. In a society in which income is one of the factors influencing status, she is already at a disadvantage. If she has a dependent role in the family, she will question her ability to be a leader in other areas where she will be competing with men. And, if men are accustomed to holding financial power within the family, they are unlikely to assume that women are able to wield such power outside the home.

### **Part C: Paid Work**

171. In Canada some two and one-half million women are working for pay. They represent roughly one-third of the labour force and one-third of the female population old enough to work.



172. Women generally work in a few occupations labelled "female", earn less money than men and rarely reach the top. This has been the situation for so long that society takes it for granted. In fact, its very familiarity probably does as much to maintain the *status quo* as any of the arguments offered in its defence. Seeing women in lower-paying jobs and men in senior ones leads management to think in these terms when jobs are open, and so the system perpetuates itself.

173. Until the eighteenth century in New France, some women in towns, where most of the population was at first centred, worked as servants or shop clerks or ran businesses of their own successfully. In time, as this society became predominantly rural, women were employed as domestics or earned money through home industries such as spinning and weaving.

174. As Canada moved from a rural to an urban, industrialized society, some women continued to earn money by working at home. Farm women sold dairy or poultry products while city housewives made money by dressmaking, taking in laundry or keeping boarders. At the same time, with the growing production in factories of much of the consumer goods formerly produced in the home, opportunities to earn an income outside the home increased. Women who needed to earn money to support themselves or to supplement the family income provided industry with a source of cheap, unskilled labour.

175. Although information on the early employment of women in Canada is fragmentary, there is no doubt that the increasing impact of industrialization was being felt in the second half of the nineteenth century. Between 1860 and 1868 alone, the number of occupations in which women could earn a living doubled. By 1891, one in eight paid workers was a woman. The 10 leading occupations were: servant, dressmaker, teacher, farmer, seamstress, millress, saleswoman, housekeeper, laundress and milliner.<sup>36</sup>

176. One account<sup>37</sup>, written about 1890, reports that married women did not generally work outside the home if their husbands were able to support them. But some married women worked in canning factories in summer, and others in laundries and factories during the entire year. In one factory reported upon, most of the women workers were married.

177. During the second half of the nineteenth century women established themselves firmly in elementary school teaching. In the 1860's, a woman physician first practised medicine in Canada. Universities began to admit women for studies leading to other professions.

<sup>36</sup> Canada Department of Labour. *Women at Work in Canada*. Ottawa, Queen's Printer, 1964, p. 1.  
<sup>37</sup> Scott, J. T. *The Conditions of Female Labour in Ontario*. Toronto, University of Toronto, 1892, p. 25.

178. This century has seen a tremendous increase in the proportion of women in the labour force.<sup>38</sup> In 1901, the participation rate<sup>39</sup> of women was just over 16 per cent, and every subsequent census has shown an increase. Today, the participation rate is estimated at more than 34 per cent. The proportion of the labour force that is female has also doubled, from one in six in 1901, to about one in three today.

179. In recent years at least, the increase in the women's participation rate has been mainly caused by the growing number of married women in the labour force. In the early part of the century, information on the labour force activities of married women continued to be fragmentary. The 1921 census, however, revealed that the major factor contributing to the increased participation of women was the relatively greater participation of women 35 years of age or older. It is probably safe to assume that many of these women were married. Since the 1941 census much more has been learned about married women in the labour force. Their participation rate has increased from slightly less than four per cent in 1941 to more than 22 per cent in 1961 and to about 30 per cent today.

180. There is a lack of statistical information on the effect of the Great Depression of the Thirties and the two World Wars on women's participation rate. However, it is known that during the Depression there were some restrictions placed on the employment of married women who were not self-supporting and the two wars opened more jobs to women. During World War II many organizations recruited married women with families by offering flexibility in hours, part-time work and day-care facilities for children.

181. A turning point for working women, married and single, World War II gave them a chance to show more than ever before that they could perform a wide variety of tasks and carry much more responsibility. Married women also found that it was possible to work and, at the same time, manage a home and family, often without a husband's help.

182. Although many married women had started working to meet the national emergency, no mass exodus from the labour force followed the end of the war. Men released from the armed forces were legally entitled to return to their former positions temporarily filled by women, and some organizations, including the federal Public Service, restricted the employment of married women to help re-establish servicemen in civilian life. But women's participation rate did not drop much after the war and by 1956 it had again

<sup>38</sup> The labour force includes both people who are working and people looking for work.

<sup>39</sup> The participation rate of any age-sex population group is the proportion of that group that is in the labour force.

reached the 1947 level. As for married women, their participation rate had increased in 1951 to over 11 per cent—more than double the rate in the early years of the war.

183. The female labour force includes working women and women looking for work. Have women generally been successful in finding work?

184. One fact stands out clearly from an examination of the unemployment rates in Canada during roughly the last two decades: the unemployment rate for women has been continuously lower than for men. In 1947, the estimated unemployment rate for women was 1.7 per cent and for men 2.9 per cent. In 1967, these rates were 3.0 per cent and 4.6 per cent respectively, and for each intervening year the unemployment rate was lower for women. The greatest difference occurred in 1961 when the rates were 3.6 per cent for women and 8.1 per cent for men. The smallest difference was .7 per cent in 1951.<sup>40</sup> Apparently, women have had less difficulty than men in finding jobs.

185. The picture was not the same in the United States. During the same period, the unemployment rate for American women tended to be slightly higher than the unemployment rate for American men. From 1947 to 1966, the women's rate was lower than men's only in 1947 and was the same only in 1958. For the same period the total unemployment rate for Canada was sometimes higher and sometimes lower than that for the United States, but the unemployment rate for Canadian women was always lower than the corresponding rate for American women.<sup>41</sup>

186. The consistently lower unemployment rates for women compared to men in Canada are partly explained by the occupational distribution of women. Economists distinguish between two major families of industries: the goods industries and the service industries. Classified in the goods-producing industries are agriculture; forestry and fishing; mining, quarrying and oil wells; manufacturing; construction; and electric power, gas and water utilities. The service-producing industries include transportation, storage and communication; trade; finance, insurance and real estate; community, recreation, business and personal services; public administration; and defence.

187. Two economic factors<sup>42</sup> have had, and still have, important implications for the employment of women. One is the faster growth rate of employment in most of the service industries compared with the slower growth rate

<sup>40</sup> Ostry, Sylvia. *Unemployment in Canada*. Dominion Bureau of Statistics, Ottawa, Queen's Printer, 1968, Table 2, p.6; and Dominion Bureau of Statistics, Special Labour Force Studies, No. 2, Cat. no. 71-506, 1967.

<sup>41</sup> *Ibid.* Dominion Bureau of Statistics, as in footnote 40.

<sup>42</sup> Economic Council of Canada. *Fifth Annual Review. The Challenge of Growth and Change*. Ottawa, Queen's Printer, 1968, pp. 66-72.

or decline of employment in most goods industries. The other is the greater opportunity for employment of women in most service industries than in goods industries. In 1946, 59.3 per cent of the labour force was employed in goods industries and 40.7 per cent in service industries. By 1966 these percentages had changed to 44.0 per cent and 56.0 per cent respectively. In 1969 the services industries employed almost 60 per cent of all workers and roughly 80 per cent of the women workers.

188. Another factor may contribute to the lower unemployment rate for women. To be counted among the unemployed, a person must be seeking work. Married women often enter the labour force because they are offered a job without actively seeking work, and many of them may leave the labour force when they finish a job.

189. It is not clear why women's unemployment rates have been lower than men's in Canada and not in the United States. Canada seems to be unlike a number of other countries in this respect. It may be that married women in Canada have been less committed to working than women in some other countries. If this has been the reason, the gap between men's and women's rates may well narrow in the future since there is some indication that married women are becoming increasingly attached to the labour force.

### ➤ *Employment Patterns*

190. The participation of women in paid employment is now well established.<sup>43</sup> The working life pattern of most single women is similar to that of men. Married women, on the other hand, usually move in and out of the labour force. The number who never return to paid employment once they have left to raise a family is becoming proportionately smaller. More and more married women enter the labour force either intermittently between the births of their children, or permanently when their youngest child has entered school. In 1968, of all married women (somewhat more than 4.5 million) 29.6 per cent were in the labour force. Of all women in the labour force 54.6 per cent were married.<sup>44</sup>

191. The work cycle of many married women influences the overall female participation rate. Statistical data show that the female participation rate is highest for the 20-24 age group. It declines sharply as many women leave the labour force to start families but before the age of 35 rises again.

<sup>43</sup> Dominion Bureau of Statistics. Special Labour Force Studies, Nos. 1, 2 and 5. Cat. nos. 71-505, 71-506, 71-509, 1966, 1967.

<sup>44</sup> Canada Department of Labour, Women's Bureau. *Women in the Labour Force*, 1969, p. 11. Based on Dominion Bureau of Statistics Special Surveys Division, Special Tables, 12-month annual averages, 1968.



to a second but lower peak for the 45-49 age group. After 50, the female participation rate declines gradually, then more rapidly. High female participation rates and the re-entry process starting approximately in the mid-thirties are primarily urban phenomena, as shown in Chart 1.

192. The participation of married women in the labour force depends not only on their age, residence and job opportunities, but also on their level of education, the number and ages of their children and the income of their husbands. Women with very young children are less likely to join the labour force. The lower the income of the husband, the more likely it is that the wife will work, whatever the ages of the children, to help provide necessities. The more education a wife has, the more likely she is to stay in the labour force or return to it early. This tendency lessens as the income of the husband increases.

193. Women are chiefly employed in the service sector of the economy and in white-collar occupations. Table 4 gives the estimated distribution of paid female workers by industry. Table 5 gives their estimated distribution in selected occupations.

194. As Table 5 indicates, more women were employed in the clerical occupations than in any others. Service and recreation ranked second followed by professional and technical occupations. More than two-thirds of all women workers were employed in these three groups.

Table 4. Estimated Distribution of Female Paid Workers  
by Industry, Canada, 1969

Industry*	Number	Percentage
	(000's)	
All industries.....	2,297	100.0
Manufacturing.....	405	17.6
Transportation, Communication, and other Utilities.....	107	4.7
Trade.....	393	17.1
Finance, Insurance, Real Estate.....	168	7.3
Community, Business and Personal Service.....	1,062	46.2
Public Administration.....	121	5.3
Other Industries**.....	45	2.0

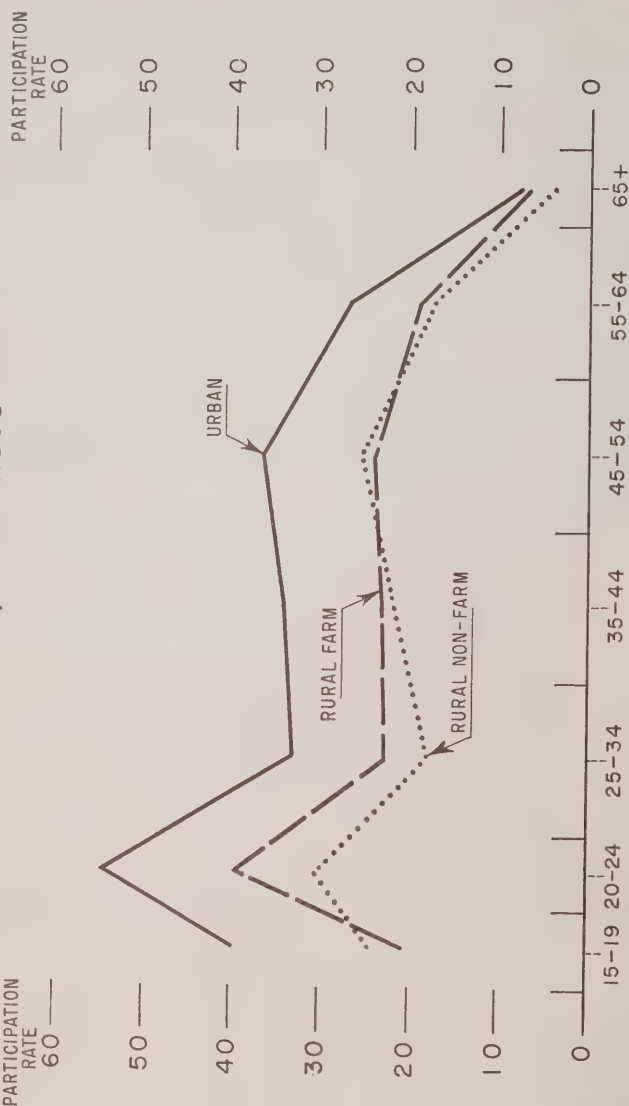
\*1960 Standard Industrial Classification.

\*\*Industries with fewer than 10,000 women workers not included.

SOURCE: Dominion Bureau of Statistics. Special Surveys Division, Labour Force Special Tables, 12-month averages, 1969, Table 3c.

CHART - I

# FEMALE PARTICIPATION PROFILE BY RESIDENCE, CANADA\*, 1961 CENSUS



\*Includes the Yukon and the Northwest Territories.

Sources: Dominion Bureau of Statistics, Census of Canada. The Canadian Labour Force. Cat. no. 99-522, 1961, Table XV, p.12-32. Ostry, Sylvia. The Female Worker in Canada. Dominion Bureau of Statistics, Ottawa, Queen's Printer, 1968.

Table 5. Estimated Distribution of Total and Female Paid Workers in Selected Occupations and Percentage of Each Occupation that was Female, Canada, 1969

Occupations*	Total Number of Paid Workers	Female Paid Workers		Percentage of Occupation that was Female
		Number	Percentage Distribution	
	(000's)	(000's)		
All Occupations.....	6,720	2,297	100.0	34.2
Managerial.....	466	53	2.3	11.4
Professional and Technical.....	970	423	18.4	43.6
Clerical.....	1,129	782	34.0	69.2
Sales.....	496	183	8.0	36.9
Service and Recreation.....	866	510	22.2	58.9
Communication.....	62	33	1.7	53.2
Craft, Production Process and Related Workers.....	1,887	275	12.0	14.6
Labourers and Unskilled Workers.....	315	20	.8	6.4

\*1961 Census Occupational Classification. Not included are:

—occupations with fewer than 10,000 females

—farmers and farm workers

—labourers and unskilled workers in agriculture, fishing, logging and mining.

SOURCE: Dominion Bureau of Statistics. Special Surveys Division, Labour Force Special Tables, 12-month averages, 1969, Table 3c.

195. Women predominated in the clerical, service and recreation occupations but were less than half of those employed in professional and technical occupations. Although only 1.7 per cent of all women workers were in communications they made up slightly more than half of all the workers in communications. In management, women fared badly. Only 2.3 per cent of all women workers were in managerial positions and they occupied only about one-ninth of the positions.

196. This is the general occupational picture. But within these occupational groupings there are occupational variations. Some occupations are almost entirely filled by women while others, many more of them, are almost entirely filled by men.

197. This occupational segregation by sex, generally long-standing, has led to these occupations and professions commonly being referred to as 'traditionally female' or 'traditionally male'. In Canada, traditionally female occupations include: secretary, stenographer, typist, telephone operator, housekeeper, domestic, waitress, and hairdresser. Traditionally female professions include elementary school teacher, nurse, dietitian and home

economist. The professions of librarian and social worker are often referred to in these terms but today are being entered by a growing number of men.

198. Traditionally male occupations, on the other hand, are legion. They include such well-known occupations as letter carrier, motor mechanic, railway engineer and bus driver. Professions such as physician, dentist, lawyer, engineer and architect are generally considered traditionally male.

199. There are differences in the educational level of women and men in the labour force. Slightly more girls than boys have been finishing high school and so, on the whole, women in the labour force are better educated at this level than are men. However, not as many women as men have university degrees and women's educational level is not necessarily higher for each occupational group. Table 6 gives the estimated educational level of the labour force by sex and occupational classification for 1967.

200. Since 1967, the latest available statistical information on educational level by occupations, there is evidence that the difference between the proportion of girls and boys graduating from high school is rapidly diminishing and may eventually disappear.

Table 6. Estimated Percentage Distribution of the Male and Female Labour Force by Level of Schooling and by Occupational Classification, Canada, 1967

Occupational Classifications	Males			Females		
	Elementary <sup>(1)</sup>	Secondary	University	Elementary <sup>(1)</sup>	Secondary	University
All occupations.....	37.7	50.8	11.5	23.9	64.8	11.3
Managerial.....	20.3	59.8	19.9	23.9	68.0	*
Professional and Technical....	3.1	35.5	61.4	*	52.0	45.8
Clerical.....	17.1	73.4	9.5	6.9	87.1	6.0
Sales.....	16.9	71.9	11.2	25.3	71.2	*
Service.....	42.2	54.2	3.6	45.0	52.6	2.4
Transportation and Communication.....	49.6	48.6	*	*	87.5	*
Crafts, Production Process and Related Workers and Labourers <sup>(2)</sup> .....	48.1	49.3	2.6	55.2	44.3	*
Primary Industries.....	62.7	34.7	2.5	54.4	44.1	*

(1)Includes "no schooling".

(2)Those labourers not included elsewhere.

\*Estimates based on fewer than 10,000 persons not included.

SOURCE: Dominion Bureau of Statistics. Labour Force Survey. Special Surveys Division unpublished, March 1969.



201. Women's higher level of education is not reflected in their earnings. Chart 2 illustrates the average earnings of full-year workers by sex for selected occupational groups for 1965, the most recent year for which statistics were available, and Table 7 gives the estimated percentage distribution of men and women by income groups and major occupations for 1965. In every occupational group, the average earnings of male workers were considerably higher than those of females. In some they were more than double. Some of the differences can be accounted for by the larger proportion of women working only part-time. Even among the full-year workers, there were probably more women than men who work fewer than the normal daily hours of work and so receive less than full pay.

202. Today, unions negotiate employees' pay and other conditions of employment. But in 1967, only 400,258 women, or about 17 per cent of all women workers, belonged to unions.<sup>45</sup> Of these women, 39.6 per cent were in the 25 labour organizations in which women members formed the majority. Of the 19.6 per cent of all union members which women represented, 6.5 per cent were in Ontario, 8.0 per cent in Quebec, 2.1 per cent in British Columbia, and 3.0 per cent in other provinces. The geographical distribution reflects the pattern of regional industrialization in Canada—Ontario, Quebec and British Columbia being the most industrialized.

203. Labour organizations reporting 10,000 or more women members were:<sup>46</sup>

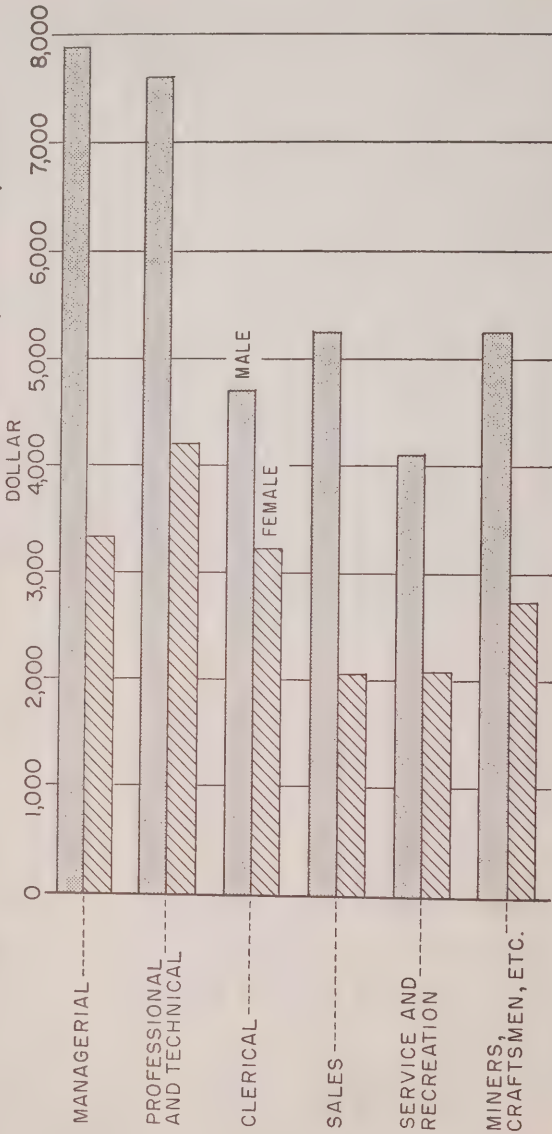
Quebec Teachers' Corporation .....	41,553
Canadian Union of Public Employees .....	33,962
National Federation of Services .....	27,586
Public Service Alliance of Canada .....	27,382
International Ladies' Garment Workers Union .....	18,125
Building Service Employees' International Union .....	14,790
Registered Nurses' Association of British Columbia .....	10,944
Confederation of National Trade Unions .....	10,557
Amalgamated Clothing Workers of America .....	10,368

<sup>45</sup> Minister of Trade and Commerce. *Annual Report of the Minister of Trade and Commerce under the Corporations and Labour Unions Returns Act* (1967). Part II, Ottawa, Dominion Bureau of Statistics, 1969, pp. 62-69.

<sup>46</sup> *Ibid.* page 63.

CHART - 2

AVERAGE EARNINGS OF FULL-YEAR WORKERS\*\*\* IN THE LABOUR FORCE\*  
BY SEX, FOR SELECTED OCCUPATIONAL GROUPS\*\*, CANADA, 1965



\*Individuals in the Labour Force were classified according to their job at time of the survey; individuals not in the labour force at time of survey are excluded.

\*\*Female workers in the occupations transportation and communication, farmers, loggers and fishermen, and labourers are not included as the number of workers is too small for a reliable estimate.

\*\*\*Workers who reported having worked 50-52 weeks.

Source: Dominion Bureau of Statistics. Income Distribution by Size in Canada 1965. Ottawa, Queen's Printer, 1968. Taken from Table 31, p.44.

Table 7. Percentage Distribution of Individuals in the Labour Force\* by Sex, by Income Groups, and by Average Earnings for Selected Occupational Groups,\*\* Canada, 1965

Income Group	Managerial		Professional and Technical		Clerical		Sales		Service and Recreation		Miners, Craftsmen, etc.	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Under \$1000.....	1.2	13.8	1.8	10.9	4.4	15.0	10.2	34.1	11.0	46.6	2.9	23.2
\$1000—\$1999.....	2.0	14.2	2.4	10.6	5.7	15.1	8.9	31.0	10.0	22.7	5.0	25.6
\$2000—\$2999.....	4.8	21.5	4.6	13.8	12.7	24.7	8.8	22.3	16.0	21.0	8.5	27.9
\$3000—\$3999.....	8.1	15.9	8.9	21.9	15.1	28.1	15.2	10.8	20.5	7.7	14.4	15.6
\$4000—\$4999.....	11.8	18.3	11.1	18.4	22.7	12.5	13.5	0.6	17.9	1.3	21.0	4.8
\$5000—\$5999.....	14.1	9.4	14.1	12.8	20.5	3.1	13.1	1.0	11.4	0.7	20.5	2.6
\$6000—\$9999.....	35.6	7.0	39.5	10.9	18.6	1.4	24.4	—	12.7	—	26.2	0.3
\$10,000 and over.....	22.6	—	17.5	0.7	0.7	0.1	5.9	—	0.6	—	1.5	—
TOTALS.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Average earnings.....	\$7,501	\$2,987	\$7,133	\$3,549	\$4,255	\$2,617	\$4,682	\$1,477	\$3,462	\$1,278	\$4,682	\$2,027
Average earnings of full-year workers***.....	\$7,920	\$3,351	\$7,602	\$4,226	\$4,713	\$3,263	\$5,287	\$2,077	\$4,120	\$2,099	\$5,290	\$2,756

\*Individuals in the Labour Force were classified according to their job at time of the survey; individuals not in the Labour Force at time of survey are excluded.

\*\*Female workers in the occupations transportation and communication, farmers, loggers and fishermen, and labourers are not included as the number of workers is too small for a reliable estimate.

\*\*\*Workers who reported having worked 50-52 weeks.

SOURCE: Dominion Bureau of Statistics. *Income Distribution by Size in Canada 1965*. Ottawa Queen's Printer, 1968. Taken from Table 31, p. 44.

204. Female union members were found in major industry groups as shown in the following table:

Table 8. Distribution of Paid Female Workers and Female Union Members in Selected Industries, and Percentage of Female Workers in Those Industries Who Were Union Members, Canada, 1967.

Industry	Paid Female Workers  (000's)	Female Union Members	
		Number  (000's)	Per Cent of Total Female Workers
Manufacturing.....	394	125	31.7
Trade.....	407	33	8.1
Services.....	1,048	138	13.2
Transportation and Public Utilities.....	88	36	40.7
Public Administration.....	106	65	61.3

SOURCE: Compiled from the *Annual Report of the Minister of Trade and Commerce under the Corporations and Labour Unions Returns Act* (1967). Part II, Ottawa, Dominion Bureau of Statistics, 1969, Table 28A; DBS. 12-month Annual Averages. 1967, Special Table 3C.

205. Although a few women have been union leaders or high officials in unions, the proportion of women elected to office does not begin to represent the proportion of women in total union membership. Nor is the proportion of women named to collective bargaining committees near the proportion of men.

206. Two studies undertaken for the Commission suggest that male unionists have an ambivalent attitude towards women in the work world. On the one hand they tend to retain the traditional view that women must be protected and that fundamentally their place is in the home. On the other, they recognize that women as union members have the same rights as men. Fortunately, there is some evidence of the growing realization that women who choose to work should have equality of opportunity in all respects. Of a sample of male unionists surveyed as part of one of our studies, 46.7 per cent felt that the labour movement had not shown enough concern for the future of working women. Twenty-nine per cent felt that the movement had, and 16.3 per cent were undecided.

207. Information on equal pay provisions in collective agreements was received on September 24, 1969, from the Canada Department of Labour through the Women's Bureau. The Collective Bargaining Division of that Department has estimated that between three and five percent of roughly 500



collective agreements in force in September 1969 for organizations with more than 500 employees (excluding construction) have a clause stipulating equal pay for female and male workers.

208. What we have just reported is the statistical picture of women's position in the work force today. But it does not tell us a great deal about women's rights and freedoms, their equality of opportunity with men or the extent to which their employment capabilities are being used. To learn this, we have drawn on a number of sources. Briefs, hearings, research, and the views of individual women have all helped. We have taken a brief look at some 36 organizations, public and private. We have examined the federal Public Service, the Royal Canadian Mounted Police, the Canadian Forces, some federal Crown Corporations and agencies and the staffs of the Senate and the House of Commons. Studies of women in banks and department stores have been undertaken on our behalf. And finally we have dealt with certain other selected segments of the work force.

209. We have turned to these sources to learn whether or not women's rights as individuals are being observed in the areas of pay, benefits and terms of employment. We have weighed the opportunities of women to enter and advance in jobs and looked for ways to increase the use of their skills and abilities.

210. Basic to our examination has been the belief that women can be found with the same employment interests, aptitudes and capacities as can be found in men. There is no reason to believe that the ranges of intelligence of women and men are in any way different. And, while some interests and aptitudes are more common in one sex than in the other, virtually none are restricted to only one of the sexes.

211. Also basic to our examination has been the conviction that married women should be free to decide whether to remain in the home or to enter the labour force. We make proposals to make it easier for women to enter the labour force because we wish to ensure that women really have a choice.

212. One more point should be made clear. A number of our recommendations deal with minimum wage laws and equal pay legislation and we realize that some of these recommendations might adversely affect the employment of women, at least on a short-term basis. It is also possible, although highly unlikely, that in certain marginal areas an increase in the minimum wage rate for women to bring it into line with men's could shut down some work shops and thus put workers out of jobs. We recognize that, with effective equal pay laws, some employers might sometimes give preference in employment to men. Nevertheless our primary concern has been to bring to light any differential treatment on the basis of sex.

## Pay

213. Through the years any discussion of differential treatment of women and men in employment has inevitably turned to pay. Before the last war the issue was usually whether or not there should be different rates of pay for women and men. Now the question is whether or not there are.<sup>47</sup> International, federal and provincial acceptance of the principle of equal pay has largely settled the former issue. What these jurisdictions have failed to do is ensure that the principle is universally observed.

214. In the legal sense, the post-war era has been tremendously important for working women. Since the first exodus of women from the home, their position in the work force had generally been subordinate to that of men. This was reflected in their absence at policy-making levels and in the fairly common practice of paying women less than men. The protests of women individually and in groups had failed to correct these injustices.

215. The birth of the United Nations in 1945 and its concern for human rights and fundamental freedoms acted as a spur to government action. With the adoption in 1948 of the Universal Declaration of Human Rights, the rights of women to employment and equal pay became a Canadian policy. Article 23 of the Declaration proclaimed that: "(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without discrimination, has the right to equal pay for equal work."

216. There are now other provisions specifically dealing with women's employment rights. In 1967 the United Nations' General Assembly unanimously adopted the Declaration on the Elimination of Discrimination Against Women. Article 10-1 of this Declaration states that women have: "(a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement; (b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value."

217. Canada, too, ratified the Convention Concerning Discrimination in Respect of Employment and Occupation, Convention 111, of the International Labour Organization. In doing so, Canada agreed to "undertake to

<sup>47</sup> Actually there are still some people who apparently think there should be different rates of pay for women and men. In rendering a decision regarding the claim of a policewoman for equal pay with policemen in 1968, a judge of the Ontario High Court stated "she is not being discriminated against by the fact that she receives a different wage, different from male constables, for the fact of difference is in accord with every rule of economics, civilization, family life and common sense." *Beckett v. City of Sault Ste-Marie Police Commissioners et al.* 67 *Dominion Law Reports*. 2nd ed., 1968, p. 294.

declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof."

218. Canada has not, however, ratified the International Labour Organization Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention 100). We believe that Canada should do this. Therefore, **we recommend that a federal-provincial conference on labour legislation affecting women in Canada be called to prepare for Canada's ratification of the International Labour Organization Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention 100).**

*(a) Equal pay ✓*

219. Within Canada, legislation dealing with equal pay for equal work began to appear on the federal and provincial statute books. Ontario took the lead with the passage in 1951 of the Female Employees Fair Remuneration Act, subsequently replaced by other legislation. Other provinces adopted similar legislation, some as recently as 1969. In 1956, the federal government passed the Female Employees Equal Pay Act, applicable to employers and employees engaged in works, undertakings and businesses under federal jurisdiction and to federal Crown Corporations.

220. All provinces, as well as the Yukon and the Northwest Territories, now have anti-discrimination legislation.<sup>48</sup> In some cases specific terms prohibiting different pay rates on the basis of sex are included in legislation which also deals with other matters. In others equal pay is the subject of a special Act. Quebec legislation makes no particular reference to the subject of equal pay but does prohibit sex discrimination in employment. As Table 9 illustrates, equal pay provisions in Canada are far from uniform.

221. The Yukon Territory is the only jurisdiction that has neither legislation specifically prohibiting different rates of pay on the basis of sex nor legislation prohibiting sex as grounds for discrimination in employment. Therefore, **we recommend that the Yukon Territorial Council adopt legislation prohibiting different pay rates based on sex.**

222. The federal government is not entirely above reproach. The federal Female Employees Equal Pay Act applies to federal Crown Corporations but not to all federal agencies. It does not apply to the federal Public Service

<sup>48</sup> As of April 1970, Newfoundland's Human Rights Code had been passed but not proclaimed as law.

Table 9. Summary of Selected Provisions in Equal Pay Legislation in Canada

Act	Proof Required	Exclusions	Action Initiated By	Maximum Penalty		Protection of Employment	Provision for Restitution of Losses
				(Individuals)	(Others)		
<i>Federal: Female Employees Equal Pay Act, 1956</i>	Employed by the same employer on identical or substantially identical work	Employers and employees not engaged in connection with any federal works, undertakings or businesses, and employees not employed in any corporation established to perform any function or duty on behalf of the Government of Canada	aggrieved employee	\$100	\$500 Corporations	yes	yes
<i>British Columbia: Human Rights Act 1969, Pay Discrimination, Sec. 4</i>	Employed on the same work or substantially the same work done in same establishment	Domestics in private homes	not specified	None specified		yes	yes
<i>Alberta: Labour Act 1955, Equal Pay Part VI</i>	Employed by the same employer on identical or substantially identical work	Domestics in private homes; labourers; municipal policemen	aggrieved employee (identity may be withheld)	\$100	\$500 Corporations	yes	yes
<i>Saskatchewan: Labour Standards Act, Equal Pay Part V, 1969</i>	Employed on work of comparable character done in the same establishment	Managers; employees in an undertaking in which only family members are employed; employees in farming, ranching and market gardening	aggrieved employee	\$100 first offence \$200 other offences	\$100 \$200	yes	yes



<i>Manitoba: Equal Pay Act, 1956.</i>	Employed on identical or substantially identical work in the same establishment	Independent contractor	aggrieved employee	\$100	\$500 Corporations; Trade Unions	yes	yes
<i>Ontario: Employment Standards Act, 1968, Equal Pay, Part V</i>	Employed on the same work requiring equal skill, effort and responsibility performed in the same establishment under similar working conditions	None	Director of Employment Standards; aggrieved employee	\$1,000	\$1,000	yes	yes
<i>Quebec: Discrimination in Employment Act, 1964</i>	Discrimination in employment on the basis of sex	Employers with fewer than five employees; managers; foremen; superintendents; directors or officers; employers' representative in labour relations with employees; domestics	aggrieved employee	\$100	\$1,000 Employers' Associations; Employees' Associations	no	no
<i>New Brunswick: Female Employees Fair Remuneration Act, 1961</i>	Employed on the same work done in the same establishment	None	aggrieved employee	\$100	\$100	no	no
<i>Nova Scotia: Equal Pay Act, 1969</i>	Employed on substantially the same work done in the same establishment	None	aggrieved employee or Director (Dept. of Labour)	\$500	\$500	yes	no

Table 9. Summary of Selected Provisions in Equal Pay Legislation in Canada—*Cont.*

Act	Proof Required	Exclusions	Action Initiated By	Maximum Penalty		Protection of Employment	Provision for Restitution of Losses
				(Individuals)	(Others)		
<i>Prince Edward Island: Human Rights Code, 1968</i>	Employed on substantially the same work done in the same establishment	None	aggrieved employee	\$100	\$500 Corporations; Trade Unions; Employers' Organizations; Employment Agencies	yes	no
<i>Newfoundland*: Human Rights Code 1969, Equal Pay Sec. 10</i>	Employed on the same work done in the same establishment	None	aggrieved employee	\$100	\$500 Trade Unions; Employers' Organizations; Employment Agencies	yes	yes
<i>Northwest Territories**: Fair Practices Ordinance, 1966</i>	Employed on the same work done in the same establishment	Domestics in private homes; any employer with fewer than five employees; non-profit organizations	aggrieved employee	\$100	\$500 Corporations; Trade Unions; Employers' Organizations; Employment Agencies	yes	yes

\*The Newfoundland Human Rights Code has passed the House of Assembly but had not been proclaimed as of April 1970.

\*\*The Yukon Territory Fair Practices Ordinance does not prohibit discrimination on the basis of sex or provide for equal pay for women and men.

or to the staffs of the Senate and the House of Commons. Many women employees in the federal government are therefore not protected by law against sex discrimination in the matter of pay.

223. Perhaps this is not as serious as it sounds. Equal pay for equal work has long been an avowed principle in the federal government. With the exception of one or two questionable practices with pay implications which we discuss in the section on the Public Service, we did not find different rates in any segment of the Service. And we did find that the equal pay principle is enunciated in a number of collective agreements. However, we do not believe that enforcement of the principle of equal pay for equal work should be left to policy or the bargaining table.

224. There might be a certain incongruity in legislation that could oblige one Minister of the Crown to issue an Order to another Minister of the Crown. If the existing terms of the Female Employees Equal Pay Act were applied to the Public Service, this would happen if the Minister of Labour found that the provisions of the Act were not being observed in a government department. Perhaps this is why the Canada Labour (Standards) Code and the Canada Labour (Safety) Code were not made applicable to the Public Service. But the government has stated in Parliament that both Codes would apply as a matter of policy and has set up administrative machinery to ensure that the terms of the Canada Labour (Safety) Code are met.

225. For the Public Service Staff Relations Act, the problem has been handled differently. This act provides for collective bargaining in the Public Service and for establishment of a Public Service Staff Relations Board to administer the Act. The Board has no power to compel a Minister to comply with an Order issued by the Board for remedial action. But, if the Order is not observed, a report must be laid before Parliament by the Minister through whom the Board reports.

226. In spite of the difficulties of applying this kind of legislation to the Public Service, we consider that the Government of Canada as an employer, no less than other employers, should be held responsible by law for observance of the equal pay principle. We therefore believe that the Female Employees Equal Pay Act, with whatever special provisions may be necessary to make it workable for the Public Service, should be amended to apply to all employees of the Government of Canada. Therefore, **we recommend that the federal Female Employees Equal Pay Act be amended to apply to all employees of the Government of Canada.**

227. In spite of the fact that most employees in Canada are covered by legislation prohibiting different rates of pay on the basis of sex, briefs we received cited cases of different pay scales for women and men. Time after time it was made abundantly clear that some employers and unions are evading, if not the letter of the law, at least its intent. We were told of different pay rates for women and men in certain electrical and automotive industrial organizations and in printing shops.<sup>49</sup> Briefs described different pay rates in other industries too. The reasons for the differences were hard to find. We were at a loss to understand, for example, why an experienced female fish-worker would receive \$2.15 an hour while an experienced male fish-worker received \$2.83 an hour. We were even more mystified when we were told that an inexperienced male fish-worker was receiving \$2.37 an hour.<sup>50</sup>

228. Perhaps the case of female Nursing Assistants and male Nursing Orderlies provides the most widely known example of controversy over whether or not two occupations are sufficiently similar to warrant equal pay under the law. Nursing Assistants care for female patients in hospitals and Nursing Orderlies care for male patients. In most provinces Nursing Assistants must have at least grade 10 or equivalent education and be provincially licensed or certified after completion of a training course usually 10 months long. Nursing Orderlies, on the other hand, generally have no such qualification requirements to meet and they are given in-service training. Yet the Commission was told of situations in which Nursing Orderlies got higher pay than Nursing Assistants.

229. We found strong support for the claim that some employers go out of their way to find, or make, a difference in the duties of women and men so that different rates can be paid within the letter of the law. The necessity to lift heavy weights occasionally is used sometimes to establish differential rates. We heard, too, that protective legislation is sometimes used as a pretext for paying different rates. The following quotation from a union brief vividly illustrates this kind of practice.<sup>51</sup> "We know of another instance where female and male employees do exactly the same job—winding coils. In this instance the female employees are paid eleven per cent less than the males. The job content is the same, but the females can only work on two shifts. Legislation protects women from having to work the midnight to morning shift. The fact that the men are required to do the job on the third shift is considered enough of a change in job content to deny equal pay under the law as it now stands."

<sup>49</sup> Brief No. 99.

<sup>50</sup> Brief No. 184.

<sup>51</sup> Brief No. 99.



230. For published instances of different pay rates for women and men, we turned to the report *Wage Rates, Salaries and Hours of Labour* published annually by the Canada Department of Labour. Table 10 is extracted from a page in the 1967 issue. Many more pages could have been used to illustrate what is all too common in that report.

231. In this era of employee participation in wage-setting, unions must share with employers the responsibility for ensuring that sex is not a factor in establishing rates of pay. A number of the equal pay laws have recognized this by prescribing penalties for unions and employee organizations violating the law. Yet some collective agreements have included separate rates of pay for women and men. In its brief<sup>52</sup> one union bluntly stated: "We believe we are in a position to state however that unionized women enjoy, with but one exception, the same working conditions as men: working hours, paid holidays, job security, private social security, private social security schemes, and so on, . . . It has unfortunately been impossible, we must admit, to secure real implementation of the principle of equal pay for equal work in certain sectors."

232. We are aware of the danger of assuming that separate pay rates for women and men necessarily violate the equal pay principle. The different wage rates reported in the publication *Wage Rates, Salaries and Hours of Labour* could result from the employment of women and men in separate establishments which set their pay rates independently of each other. It could be argued that the separate pay rates appearing in collective agreements may be established because the work carried out by women and men is different. But we believe there is an even greater danger in assuming that separate pay rates must mean the work done by women and men is not the same. We cannot stress too strongly our conviction that separate pay rates for any job must be treated as highly suspect.

233. Two studies have looked at the comparable earnings of women and men in another way. Sylvia Ostry examined the 1961 census data to determine the pay differences between women and men for comparable work performed.<sup>53</sup> She found that "after 'accounting for' differences in the work year, occupational deployment and 'quality' of labour between the sexes, there remained fairly sizeable pay gaps between male and female workers in Canada."<sup>54</sup> In percentage terms, the earnings of women, when adjusted for the above factors, were 78 to 85 per cent of the earnings of men. Dr. Ostry

<sup>52</sup> Brief No. 393.

<sup>53</sup> Ostry, Sylvia. *The Female Worker in Canada*. Dominion Bureau of Statistics, Ottawa, Queen's Printer, 1968, Chapter 4.

<sup>54</sup> *Ibid.* p. 45.

Table 10. Wage Rate Per Hour for Selected Occupations of the Hosiery and Other Knitted Goods Industry:  
Average for Canada and Average and Predominant Range for Selected Provinces, October 1967

OCCUPATION	CANADA		NOVA SCOTIA		QUEBEC		ONTARIO	
	Average		Average	Predominant Range	Average	Predominant Range	Average	Predominant Range
	\$	\$	\$	\$	\$	\$	\$	\$
<i>Hosiery-Circular</i>								
Knitter, Male.....	1.78	—	—	—	1.69	1.25 — 1.95	1.86	1.60 — 2.05
Knitter, Female.....	1.25	—	—	—	1.36	1.20 — 1.46	1.23	1.05 — 1.40
<i>Underwear and Outerwear</i>								
Circular Knitter, Male.....	1.89	1.41	1.35 — 1.50	—	1.82	1.45 — 2.25	2.08	1.70 — 2.40
Circular Knitter, Female.....	1.34	—	—	—	1.38	1.15 — 1.75	1.41	1.15 — 1.76
Hand Operator, Male.....	1.54	—	—	—	1.44	1.05 — 1.85	1.97	1.40 — 2.27
Hand Operator, Female.....	1.22	.98	.80 — 1.17	—	1.24	1.00 — 1.47	1.47	1.18 — 1.73
Cutter, Male.....	2.00	1.48	1.33 — 1.70	—	2.11	1.60 — 2.75	1.92	1.69 — 2.11
Cutter, Female.....	1.37	.99	.80 — 1.10	—	1.42	1.05 — 1.93	1.43	1.20 — 1.75

SOURCE: Canada Department of Labour, Economics and Research Branch. *Wage Rates, Salaries and Hours of Labour, 1967, Annual Report no. 50.* Ottawa, Queen's Printer, 1968, Table 26, p. 92.

concluded that "it seems clear that some portion of the residual differential stemmed from 'discrimination', i.e., from the fact that women were paid less than men for comparable work."<sup>55</sup>

234. To find out whether women are being discriminated against in Canadian universities, a study was undertaken by the Canadian Association of University Teachers on behalf of the Commission. Based on data for the academic year 1965-66, the study reported the average salary of men in the academic profession as \$10,690. The women received an average of \$8,428 or \$2,262 less than the men. It was found that slightly more than half this difference could not be explained by any or all of the factors of age, degree held, field of specialization, university, region or academic rank. On the basis of this study, sex appears to be a factor in the lower earnings of the female academic.

235. When the salaries of women and men university teachers were matched on each of these factors, certain interesting findings emerged. The salaries of women with a Ph.D. or M.A. tended to be closer to the salaries of men with the same qualifications than was the case with women and men with a B.A. or no degree at all. In all fields except home economics, the typical male salary was always higher than the typical female salary. The difference was greatest in the fields related to medicine and least in those fields in which men tend to earn less than they do in other fields. At every career level, women's salaries were generally lower than men's, differences ranging from \$433 for associate professors to \$2,790 for Deans.

236. It is apparent that equal pay for equal work will not be a fact in Canada until all employers and unions accept the principle. Nor will it be a fact, human nature being what it is, until there is effective legislation to enforce the principle. By and large, Canadian legislation has failed to do this. Different pay scales do exist and women resent them. Yet no complaints have been made under the federal Female Employees Equal Pay Act. In the provinces with equal pay laws, only a handful of complaints has been received. Obviously the legislation is not effective.

237. A number of factors are combining to render the laws virtually inoperable. Unquestionably, the greatest obstacle is proving the law has been broken. As Table 9 indicates, proof must be given that work is "identical or substantially identical" or in some cases "the same work in the same establishment". Yet it is obvious that jobs rarely ever are the "same", "identical", or "substantially identical". No doubt it was never intended that proof in the narrowest sense would be required. Nonetheless, the burden

<sup>55</sup> *Ibid.* p. 42.

placed on the employee of proving that, under the law, she is entitled to equal pay is almost overwhelming. The following extract from a brief<sup>56</sup> illustrates this. "A large manufacturing firm whose workers are represented by our Union, employs people in the classification of 'Janitor' and 'Janitress'. The duties of these people are essentially the same, that is—to clean the respective male and female washroom facilities. Despite the fact that the jobs are virtually identical, the male Janitors' wage rates are five per cent higher than those of the female Janitresses. One small difference in the job content is that the Janitor must wheel the garbage from his work area to the disposal area, whereas the Janitress places the garbage from her work area outside the washroom, from where it is taken to the disposal area by a male employee. This is not much of a difference, but it is enough to disqualify a claim for equal pay under present legislation."

238. The Acts are also unsatisfactory in a number of other ways. Except in Ontario and Nova Scotia, a complaint must be lodged by the person aggrieved. There is little doubt that many employees prefer to tolerate what they consider to be an injustice rather than risk the ill-will or the retaliation of their employers. Further, none of the Acts provide specifically for equal pay, on a *pro rata* basis, for part-time workers and not all of them provide for job retention and recompense for loss of wages and benefits when an employee's complaint is upheld. Finally, most of the penalties for breaking the law are so low that the employer is often financially further ahead if he pays an occasional fine and goes on breaking the law.

239. To ensure universal observance of equal pay for equal work in Canada, legislation is obviously needed that will be realistic enough not to demand unreasonable proof. We urge legislators to find a more appropriate way of defining the situation in which pay rates for women and men must be the same. In the meantime, we believe the United States Fair Labour Standards Act contains the most practical definition developed so far. It speaks of "equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions." The present use in legislation in Canada of such terms as "same" and "identical" is much too restrictive. The term "equal" is more within the intent of the International Labour Organization Convention 100 which speaks of "work of equal value". We also strongly urge that legislation should recognize the responsibilities of unions as well as those of employers. Therefore, we recommend that the federal Female Employees Equal Pay Act, the federal Fair Wages and Hours of Work Regulations<sup>57</sup> and equal pay legisla-

<sup>56</sup> Brief No. 99.

<sup>57</sup> Regulations applicable to companies under contract to the federal government.



tion of provinces and territories require that (a) the concept of skill, effort and responsibility be used as objective factors in determining what is equal work, with the understanding that pay rates thus established will be subject to such factors as seniority provisions; (b) an employee who feels aggrieved as a result of an alleged violation of the relevant legislation, or a party acting on her behalf, be able to refer the grievance to the agency designated for that purpose by the government administering the legislation; (c) the onus of investigating violations of the legislation be placed in the hands of the agency administering the equal pay legislation which will be free to investigate, whether or not complaints have been laid; (d) to the extent possible, the anonymity of the complainant be maintained; (e) provision be made for authority to render a decision on whether or not the terms of the legislation have been violated, to specify action to be taken and to prosecute if the orders are not followed; (f) where someone has presented the aggrieved employee's case on her behalf and the aggrieved employee is unsatisfied with the decision, she have the opportunity to present her case herself to the person or persons rendering the decision who may change the decision; (g) the employee's employment status be in no way adversely affected by application of the law to her case; (h) where the law has been violated, the employee be compensated for any losses in pay, vacation and other fringe benefits; (i) unions and employee organizations, as well as employers and employer organizations, be subject to this law; (j) penalties be sufficiently heavy to be an effective deterrent; and (k) the legislation specify that it is applicable to part-time as well as to full-time workers.

*(b) Minimum Wage Rates*

240. The terms of the Minimum Wage Acts of Prince Edward Island, Nova Scotia and Newfoundland permit the establishment of lower minimum wages for women than men. Quite aside from possible conflict between the Minimum Wage Acts and the equal pay laws, we cannot accept the tacit assumption that a living wage is necessarily lower for women than for men. Nor do we subscribe to the alternative assumption that the jobs of lowest value should always be filled by women. Therefore, **we recommend that the minimum wage legislation of Prince Edward Island, Nova Scotia and Newfoundland be amended to require the same minimum wages for women and men.**

241. British Columbia has separate Minimum Wage Acts for women and men. This does not necessarily mean that minimum wages for women and men will be different—minimum wages are set by order for occupations and regions—but because there are two Acts these wages can be different. Differ-

ences in occupational coverage can also occur; one already has. The Male Minimum Wage Act excludes farm labourers and domestic servants; the Female Minimum Wage Act excludes farm labourers, domestic servants and fruit pickers. Therefore, **we recommend that British Columbia adopt a Minimum Wage Act applicable to both sexes that will require the same minimum wages for women and men and will contain no sex differences in the occupations covered.**

242. The payment of different rates to women and men is only one reason why women earn less than men. Another is that women seldom reach higher pay levels, except in occupations almost entirely filled by women. Later in this Chapter we have proposed ways of improving this situation.

*(c) Occupational Segregation By Sex*

243. Another reason for women's lower earnings is that occupations and professions predominantly female tend to be lower paid than those predominantly male. Just why this is so is not clear, but supply and demand are probably chiefly responsible. In a market economy, the supply of persons for a particular occupation and the demand for employees for that occupation usually play the biggest part in establishing pay levels. Certainly the supply of women for many traditionally female occupations and professions has kept pace with the demand. It is likely, then, that a major reason for lower pay rates in these occupations and professions is that a sufficient number of women have been available for lower pay than the pay necessary to obtain a sufficient number of workers in the occupations and professions that are predominantly male. It is equally likely that the rates will remain low until there is a shortage of workers available at these lower rates.

244. In a few traditionally female occupations and professions, such as that of librarian, demand exceeds supply and, as a result, in the last 10 years the average starting salary for librarians has increased almost 100 per cent.<sup>58</sup> The number of male librarians is increasing too; there is no way of knowing whether this is the result or the cause of higher pay.

245. Today, there is a shortage of available nurses. A brief from the Canadian Nurses Association<sup>59</sup> suggests that the cause of the shortage is not so much an inadequate number of trained nurses as the fact that nurses are entering other occupations with better pay and working conditions. The shortage has improved nurses' pay but not yet to a point that will bring

<sup>58</sup> Brief No. 300.

<sup>59</sup> Brief No. 309.

them back into the profession. The trend will probably not be reversed until nurses are offered not only higher pay but also working conditions commensurate with their professional skills and responsibilities.

246. Why have women remained in these lower-paid occupations and professions? Although some women feel their interest in a particular occupation or profession is more important than the money it yields, money is certainly the most common reason for women working. It seems evident that women simply do not have as many occupational alternatives as men. Until they do, the supply of workers in most of these female occupations and professions may go on meeting the demand.

247. Plans to marry undoubtedly limit the number of women's occupational alternatives. Many girls still look on employment as a stop-gap before marriage and take easily accessible work instead of qualifying themselves for a wider choice of jobs. More than anything else, traditional attitudes about the kind of work that women can or should do restrict women's occupational alternatives. These attitudes affect not only girls' expectations and hence their training, but also the kind of employment open to women. If employers think of engineers as men, for example, a woman engineer will have less opportunity than a man in the profession.

248. The sex composition of occupations and professions in other parts of the world shows that many of these attitudes have no basis in fact. In the early 1960's the percentage of physicians who were women was approximately seven per cent in Canada, 10 per cent in France and 75 per cent in the U.S.S.R. For lawyers, the percentages were three per cent in Canada, 26 per cent in France and 30 per cent in the U.S.S.R. And for dentists, the percentages were four per cent in Canada, 26 per cent in France and about 80 per cent in the U.S.S.R. In Canada, women represented less than one per cent of the engineers and in the U.S.S.R. about 30 per cent. In France, the proportion of women engineers was only slightly higher than in Canada.

249. A shortage of occupational alternatives for women, then, seems to be at the root of the relatively lower pay of women's occupations and professions. If women are to have more occupational alternatives, people must stop thinking of particular jobs as the domain of one sex or the other.

250. It is easy to say that sex-typing of occupations and professions can be eliminated by attacking it in the schools, and certainly a start must be made there. But school programmes designed to open up all occupations to both sexes will scarcely persuade girls to prepare themselves for male occupations if they know that women have few opportunities in actual jobs.

These programmes will not work unless the students can see that occupational segregation of the sexes is no longer a fact in employment. This means that attitudes in the work world must change. Employers can show that they are willing to change by hiring women in male occupations—and men in female occupations. Unless female occupations offer enough pay to attract men, the break with occupational segregation will begin only when women move into male occupations.

251. Unfortunately this will take time. We believe that the federal government can show leadership now by counteracting some of the ill-effects of occupational segregation on women's earnings. Under federal government policy, Federal Service pay rates are established by taking into account rates paid by the good employer outside the Service. As long as women's occupations and professions are relatively low paid outside the Service, under this policy they will be relatively low paid within the Service. We believe that, for a reasonable period of time at least, there should be a departure in the Government of Canada from this pay-setting policy for the professions of nurse, dietitian, home economist, librarian and social worker.

252. Although we recognize that it is difficult not to respect market forces, we also recognize that the mechanisms of the market are not always rapid enough to adjust to a need for higher pay in an occupation or profession. Our proposal is, in effect, that the federal government accelerate this adjustment in these traditionally female professions now short of workers. We suggest that this be done by setting their pay rates in relation to the pay rates of other professions on the basis of a comparison of the value of the work and the skill and training involved. This would be an equitable approach. Dietitians and social workers, for example, often have qualifications and responsibilities as high or sometimes higher than other professionals who are paid more. Therefore, **we recommend that the pay rates for nurses, dietitians, home economists, librarians and social workers employed by the federal government be set by comparing these professions with other professions in terms of the value of the work and the skill and training involved.**

### *Conditions of Employment*

253. Employee benefits and other conditions of employment are closely related to pay. For the day-to-day benefits, provisions are generally the same for women and men. Although a survey of employment in 36 organizations prepared for the Commission revealed one case of difference in vacation leave for women and men and two cases of differences in sick leave, the sexes are usually entitled to the same time off and the same compensation for overtime.



254. In other vitally important areas their benefits are different. These differences, usually entrenched in legislation or social security programmes, are survivals of an earlier era. They provide women with less financial coverage than men, yet many single women and sole-support mothers have dependants and many families count on two incomes to provide an adequate standard of living.

(a) *Pensions*

255. Pension provisions often show sex differences. Many people in the labour force contribute to the Canada Pension Plan or the Quebec Pension Plan; many also contribute to company or union group plans. The Canada Pension Plan and the Quebec Pension Plan have several differences in the provisions for women and men. We found similar differences in many of the pension plans of the organizations we examined.

256. The most significant sex difference in the Canada Pension Plan lies in the benefits provided for the spouse and children of a contributor. The husband of a female contributor is not entitled to any pension unless he is disabled at the time of her death and was being maintained wholly or substantially by her before her death.<sup>60</sup> Nor are children of a female contributor entitled to any benefits unless "the child was, in prescribed circumstances, being maintained wholly or substantially" by her.<sup>61</sup> Under section 527 (1) of the Canada Pension Plan Regulations, being maintained "wholly or substantially" means that "the support in cash, kind or services, other than services provided by way of normal household or family duties as a mother or wife, that a deceased female contributor had provided for the necessities of life, health, welfare, care, education or advancement of her dependent child or her disabled husband was, in the opinion of the Director, equal in amount or value to more than 50% of any such support provided for those purposes by (a) all persons in respect of her dependent child; or (b) all persons except his or her dependent child, in respect of her disabled husband."

257. Moreover, when a female contributor dies a declaration that the claimant has been wholly or substantially maintained by the contributor must be filed with the Director and signed by a responsible person who has personal knowledge of the facts but no direct interest in the matter.<sup>62</sup>

<sup>60</sup> Canada Pension Plan, 1964-65. *Statutes of Canada*. C. 51, s. 44 (1) (c).

<sup>61</sup> *Ibid.* s. 43 (1) (d) (ii).

<sup>62</sup> Canada Pension Plan Regulations. P.C. 1965-1993 as amended, s. 528.

258. The situation is quite different if the husband dies or becomes disabled. No declaration of maintenance has to be filed with the Director before children are entitled to a benefit. The widow receives either an immediate or a deferred pension.

259. We cannot agree with this differential treatment. Even if the financial consequences are not the same, we see no reason why the husband of a contributor should not have the same protection as the wife of a contributor. Nor do we see any reason why the children should be wholly deprived of the financial support they have received from their mother. Admittedly, the assumption that the wife and children are financially dependent upon the husband's earnings had some relevance to economic reality in the past and some, though less, today. Nonetheless, the provisions are discriminatory and should be eliminated on those grounds. The Quebec Pension Plan has similar discriminatory features that should also be eliminated. Therefore, **we recommend that legislation on the Canada Pension Plan and the Quebec Pension Plan be amended so that the provisions applicable to the wife and children of a male contributor will also be applicable to the husband and children of a female contributor.**

260. We found that private pension plans in organizations we examined also generally failed to provide the same benefits to the spouse and children of a female contributor as those provided in the case of a male contributor. We believe this differential treatment should be eliminated.

#### *(b) Workmen's Compensation*

261. Workmen's Compensation is another form of income protection. It is under provincial jurisdiction and it provides by law for compensation to employees injured while on the job or for compensation to their families if the injury is fatal. There is a difference in the provisions dealing with the spouses of persons killed. The wife is covered whether or not she is presumed to be incapable of self-support but the husband is not covered unless he is an invalid and dependent on his wife. Yet a wife, by working, has usually assumed at least part of the family's financial responsibilities. Therefore, **we recommend that the provinces and the territories amend their workmen's compensation legislation so that the provisions applicable to the wife of the person deceased will also be applicable to the husband of the person deceased.**

#### *(c) Insurance*

262. Employee benefits sometimes take the form of insurance protection to which both the employer and the employee usually contribute. The most

common types of insurance protection are group health insurance, disability insurance, life insurance and unemployment insurance. Except for Medicare, the first three types are ordinarily schemes set up for particular organizations and, as one would expect, there is wide variety in the plans. Unemployment insurance, on the other hand, is provided for under the federal Unemployment Insurance Act.

263. On the whole, the organizations we studied reported no differences for women and men in group health insurance. In group life insurance, discriminatory provisions appear to be more common.

264. The study conducted on the academic profession illustrates the kind of differential treatment that sometimes exists in life insurance plans. In plans where the insurance was based on a percentage of salary, some spectacular differences were found. In one, a man's insurance was based on 250 per cent of his annual salary and a woman's insurance on only 100 per cent. In another, although the percentages of salary were the same for men and women, the maximum insurance available for married men was \$15,000, for unmarried men \$7,500 and for all women \$5,000.

265. We cannot stress too strongly our conviction that these sex differences in life insurance plans should not exist. There is no reason why the estate of an unmarried man should receive more than the estate of an unmarried woman. We also believe that life insurance plans should recognize that many unmarried contributors, both women and men, have dependants.

266. The federal Unemployment Insurance Plan is not above reproach. This plan, set out in the Unemployment Insurance Act, is intended to provide financial help to workers who have lost their jobs for reasons beyond their control and who are willing and able to take any suitable employment available. On the whole the provisions are the same for women and men, but there are a few differences in the terms and in the effect they may have on men and women, especially married working women.

267. Contributions made by women and men are the same but there is a difference in benefits when the contributor has dependants. Under the terms of section 47(3) of the Act, for example, a wife is a dependant if she is "being maintained wholly or mainly" by her husband. A husband, on the other hand, is a dependant if he is "dependent on" his wife.

268. Section 168 of the Unemployment Insurance Regulations defines this difference. Under its terms, a man may claim his wife as a dependant if her earnings, including unemployment insurance benefits, do not exceed \$25 a week. A woman may claim her husband as a dependant only if his income

from any source, including investment income and unemployment insurance benefits, does not exceed \$25 a week. This distinction, based on the concept of the husband as the wage-earner, is in our view discriminatory. Therefore, **we recommend that the Unemployment Insurance Act and Regulations be amended to provide a common definition for "dependants" of women and men contributors.**

269. Still another aspect of the unemployment insurance legislation adversely affects women. Certain kinds of employment are excluded from the plan, and in a number of these women predominate. Private duty nurses and household workers are cases in point. We believe that unemployment insurance should be available to everyone if they are working in an established employee-employer relationship. Therefore, **we recommend that the federal Unemployment Insurance Act be amended to apply to all employees working in an established employee-employer relationship.**

270. The payment of unemployment insurance benefits to working women during pregnancy and immediately after confinement has been a problem ever since the Unemployment Insurance Act became law. Because the plan is not intended to cover persons unable to work, it cannot be applied without a definition of the period during which pregnancy and confinement prevent a woman from taking a job. After several beginnings, the Unemployment Insurance Commission seems to have settled on a policy. In its *Digest of Benefit Entitlement Principles*, it states that a woman whose employment has been terminated because of her pregnancy is considered unavailable for work and therefore not eligible for payment of benefits for six weeks before and six weeks following her confinement.

271. We are concerned that this policy can discriminate against women who want and are able to work for some of this 12-week period. In the next few pages we make certain proposals for maternity protection which should settle this problem. In the meantime, we urge the Unemployment Insurance Commission to adopt a more flexible approach based on a physician's opinion of his patient's capacity to work during the six-week periods before and after confinement.

#### *(d) Maternity Leave*

272. The need for employment protection during and immediately after pregnancy was emphasized in many briefs and during the discussion periods at the public hearings. No data are available on the proportion of organizations in Canada with maternity provisions; a recent publication of the federal



Department of Labour<sup>63</sup> dealt only with organizations that had such provisions. Briefs made it clear that some employers give no protection whatever; they simply require women to terminate their services when they are no longer able to work. Some studies undertaken for us confirmed this.

273. Terms of maternity protection vary widely. Some arrangements are informal and may differ between individuals. In other organizations, provisions are set out formally in a collective agreement or by regulation.

274. Studies conducted for us and the study reported in the publication of the federal Department of Labour found that women rarely receive their salaries or wages for all or even part of their time of maternity absence. In the few cases reported where this was the case, the leave with full pay ranged from one to six weeks. Sometimes, however, employees receive pay through the use of sick leave which they have earned or pay through wage-loss insurance.

275. When maternity leave is provided it generally ranges between 12 and 26 weeks. The Department of Labour study found that the leave tends to be longer if it is written into a collective agreement. Pre-natal leave and post-natal leave are often prescribed separately. The duration of leave is sometimes based on the advice of a physician.

276. When an employee is given maternity leave she generally retains her seniority and often counts her leave in establishing further seniority. She can usually count on getting her job back.

277. Canada has accepted certain principles of maternity protection. Article 10, 2 of the United Nations Declaration on the Elimination of Discrimination Against Women, 1967 provides: "In order to prevent discrimination against women on account of marriage or maternity, and to ensure their effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity, and to provide paid maternity leave with the guarantee of returning to former employment, and to provide the necessary social services, including child-care facilities."

278. Canada has not ratified the Maternity Protection Convention (Revised), 1952 (Convention 103) of the International Labour Organization. This Convention provides for a minimum of 12 weeks of leave, six weeks of which shall be compulsory after confinement. It also provides for cash benefits, the benefits to be paid through compulsory social insurance or public funds. Cash benefits under compulsory social insurance must be no less than

<sup>63</sup>Canada Department of Labour, Women's Bureau and Economics and Research Branch. *Maternity Leave Policies*. Ottawa, Queen's Printer, 1969.

two-thirds of the woman's previous earnings. Rather than recommending that Canada ratify this Convention, in the next few pages we make proposals that fit into Canada's present social security system.

279. If Canada's commitment to maternity protection for women is to be met, women who have chosen to work should not be in danger of losing job income, seniority or chances for promotion if they become pregnant. If their jobs are jeopardized because they are pregnant, their right to work and consequently their freedom of choice are infringed.

280. Economically—though not always ideologically—Canadian society accepts wives and mothers as members of the labour force. The fact that one worker in six is a married woman is an index of the nation-wide dependence on their services.

281. Society has a responsibility to ensure that the dual role of a working woman who becomes pregnant does not affect her health or her child's health. Employers have a responsibility to ensure that working conditions and terms of employment are fair to all employees, including those who are pregnant.

282. Today, maternity leave has been made mandatory by only the provinces of British Columbia and New Brunswick and, in certain areas, the federal government. The maternity legislation in British Columbia and New Brunswick requires the employer to allow the employee to be absent for the six-week period immediately before the expected date of her confinement and requires that she be absent, following her confinement, for six weeks, or longer if a qualified medical practitioner says this is necessary. The legislation prohibits her employer from dismissing her for reasons arising out of her absence unless she has been absent for at least 16 weeks.

283. British Columbia and New Brunswick have taken the lead in making maternity leave mandatory in areas under their jurisdiction. We feel, however, that employers should be prohibited from dismissing an employee on any grounds during authorized maternity leave. Such a provision would prevent an employer from citing a spurious reason for releasing a woman he was actually releasing because she was pregnant. It would also protect the expectant or recently confined mother who might be physically or psychologically unprepared to protest her dismissal. We recognize that an employer should not have to keep an absent employee on strength indefinitely and so consider it reasonable to limit the period during which the woman on maternity leave cannot be dismissed.

284. Later in this Chapter we recommend that the federal Fair Employment Practices Act be amended to apply to all employees of the Government.

of Canada. We believe that maternity protection for these employees can best be achieved by including maternity provisions in that Act. Therefore, we **recommend the amendment of the federal Fair Employment Practices Act and the adoption of provincial and territorial maternity legislation to provide for (a) an employed woman's entitlement to 18 weeks maternity leave, (b) mandatory maternity leave for the six-week period following her confinement unless she produces a medical certificate that working will not injure her health, and (c) prohibition of dismissal of an employee on any grounds during the maternity leave to which she is entitled.**

285. Being entitled to maternity leave may relieve a woman's anxiety but it will not help her financially unless some pay is provided. We are gravely concerned that loss of earnings imposes hardship on many women during pregnancy. At a time when a woman incurs extra expenses, her pay cheque is usually cut off. Often her income is needed to provide a decent living for her family.

286. We therefore believe that women should get some compensation for loss of earnings during maternity leave. Through the United Nations Declaration on the Elimination of Discrimination Against Women, Canada is committed to the principle, not just of leave, but of paid leave. More generally, insurance against loss of earnings is today widely accepted because the financial stability it provides is important not only to the individual or family but also to the economy. Workmen's Compensation and Unemployment Insurance are examples. A woman in the labour force who is temporarily out of work during the weeks immediately before and after confinement should be entitled to similar protection.

287. After giving due consideration to various ways and means of providing this protection we have agreed that it can best be done through the federal Unemployment Insurance Plan. We realize that the principles on which the plan is based would have to be modified. At present, to be entitled to unemployment benefits contributors must be willing and able to work. This would not be possible for a woman during the entire period of pregnancy or immediately after confinement. Contributors now normally must also have severed their connections with an employer. It is essential that a pregnant woman be given time off with security of tenure, that is, be given leave and not be released.

288. Although changes in these provisions would have to be made, it seems rational to adapt the existing machinery set up under the Unemployment Insurance Act. Both unemployment insurance and paid maternity leave are intended to provide compensation for temporary loss of earnings, and the

unemployment insurance plan already has a system for drawing contributions from the same sources that would be contributing to paid maternity leave. Therefore, we recommend that the Unemployment Insurance Act be amended so that women contributors will be entitled to unemployment benefits for period of 18 weeks or for the period to which their contributions entitle them, whichever is the lesser, (a) when they stop paid work temporarily for maternity reasons or (b) when during a period in which they are receiving unemployment benefits, they become unable to work for maternity reasons.

289. We do not believe that paid maternity leave will be a heavy financial burden on the economy. Most working wives in Canada have fewer than three children and more than one-quarter of the women in the labour force are probably beyond the years of child-bearing.

290. We are aware that some non-working women may also badly need more money during pregnancy to pay for household help and the care of other children. It may be argued that, in removing one form of discrimination, we have introduced another. Unfortunately we have no solution to propose for non-working women. There is the compensatory factor, however that working women will be directly contributing money to the plan.

#### *(e) Other Conditions of Employment*

291. In spite of Canada's commitment to equal treatment of the sexes we found that men and women are sometimes employed on different terms. Some differences, intended to protect women from the physical hazards of employment, are well-meaning. Others are based on the premise that a woman's useful working years end at an earlier age than a man's. All fail to recognize that individual workers' capacities cannot be judged on the basis of their sex.

292. Long before society saw anything wrong in using women in unskilled work for low pay, it began to develop a conscience about their welfare. At the turn of the century, the appalling exploitation of women provoked laws designed to protect their health and morals while at work. Women, as well as children, were recognized as a group requiring special attention.

293. Working conditions have improved enormously but society still sees working women as a group whose welfare must be protected by law. Although the federal government has no legislation protecting only women, some other jurisdictions have such laws, some fairly recent. Some limit the weight that women can be required to lift or carry. Others specify safety precautions and precautions against fatigue.



294. The legislation often covers hours worked by women. The maximum number of working hours is sometimes set lower for women than for men. Sometimes the law prohibits women from working overtime for as long a period as men. Often the employer has to give a woman private transportation for her personal safety when her working hours require going to or from home between midnight and six in the morning, or he may be required to provide food facilities so that women on night shifts will not have to leave the premises.

295. We are opposed to discrimination in protective measures. If there are hazards in employment, these measures should protect all employees exposed to them. Protective legislation for women has the effect of restricting their job opportunities. If a woman cannot legally work the same maximum number of hours as a man, she may find it harder to get a job. She may also find that she cannot obtain work on night shifts because of the precautions the law requires be taken for her safety. Therefore, **we recommend to the provinces and territories that protective labour legislation be applicable to both sexes.**

296. Another serious discrepancy between the terms on which men and women are employed is a difference in retirement ages. Some companies require women to retire earlier than men. This practice is less common than it was; it is intolerable that it should exist at all. In addition to the inequality of opportunity to work after a certain age that this practice creates, it places a financial hardship on women. Women live longer than men, and earlier retirement means a shorter number of years to earn an adequate pension and a longer period to live on it. Surely this inequity is a violation of existing human rights legislation, including the Canadian Bill of Rights.

297. Everyone who uses the airlines knows that the stewardesses are usually young and attractive. A brief<sup>64</sup> told us why: "Despite the lip service given to the ideals of equality the echoes of the past still survive today. Discrimination against women has become much more sophisticated with youth and glamour having premium over experience and maturity. This is exploitation of sex in its worst form and is without regard to intellectual honesty or logical process. Probably no occupational group in modern Canadian society has been more subject to this type of prejudice than have the stewardesses employed by Canadian air lines as the Companies without exception adhere to the 'Bunny Club' philosophy. Up until 1965 marriage was cause for instant dismissal. In some air lines today, pregnancy is still reason for discharge. Stewardesses in some air lines upon initial employment are required as a condition of employment to sign agreements permitting the

<sup>64</sup> Brief No. 441.

employer to discharge them at age 30 or 32 while the Crown Corporation hires stewardesses on a ten-year contract basis. Stewards and Purser are of course not subject to these provisions."

298. We are concerned about the inequitable terms of employment that this brief describes. Although different air lines have different terms of employment, women's tenure is generally restricted to about 10 years. No similar restrictions are placed on air line stewards. Therefore, **we recommend the elimination of any discrimination on the basis of sex in the terms and conditions of employment for air crew on air lines.**

### *Equality of Opportunity*

299. Discrimination that takes some conspicuous form, such as unequal pay or penalization for pregnancy, can be singled out and corrected—sometimes through legislation, more often through changes in the policy and practice of enlightened employers. Establishing equal rights for women and men in these basic and clear-cut issues is an important step toward equality in employment, but it is still only a beginning.

300. Laws can give women equal rights on the job. Only a radical change in the attitudes of society can give them equal opportunities in employment and promotion. In practice their range of occupational choice is much narrower than that of men. By long custom, most occupations are sex-typed and relatively few are considered suitable for women. Girls are still conditioned and counselled to prepare themselves for these traditionally female jobs. They are also encouraged to think that the prospect of marriage makes it unnecessary for them to educate themselves fully for a working career.

#### *(a) Entering Employment*

301. Even a well-qualified woman will probably find it difficult to enter a field not traditionally regarded as female. Most employers prefer to hire men for jobs that lead to decision-making. Many advertisements are obviously directed toward men and the practice of running male and female help-wanted columns is still common in Canadian newspapers. Therefore, **we recommend that the provinces and territories adopt legislation prohibiting the advertisement of a job opening in a manner that expressly limits it to applicants of a particular sex or marital status.**

302. The recruitment literature and recruitment programmes of many organizations also tend to encourage occupational segregation. Even federal government publications, which meticulously avoid any statement that might be interpreted as sex-typing, are often illustrated with pictures that show

men and women in traditionally male and female occupations. Therefore, **we recommend that sex-typing of occupations be avoided in the text and in the illustrations of all federal government publications.**

303. The on-campus recruitment programmes annually conducted by firms seeking new university graduates are a useful index of women's opportunities in professional fields. Participating firms give students and University Placement Offices, some of which are operated by Canada Manpower Centres, information about the jobs they have to offer and the qualifications they require. Interviews with students are usually arranged through the University Placement Offices.

304. Information about vacancies is circulated in several ways, including the publication *Canada Careers Directory for University Graduates*. In an analysis of the 1969-1970 edition the federal Women's Bureau found that, of the 3,268 vacancies listed by banks, insurance companies, pharmaceutical and chemical firms and manufacturers of soap and detergents, 2,024 positions were open only to men. This left only 1,244 jobs in these companies for which the University Placement Offices would be able to arrange interviews for women.

305. We consider that University Placement Offices have a responsibility for preventing discriminatory practices from being exercised on campus. Therefore, **we recommend to the Canada Department of Manpower and Immigration and to the universities that University Placement Offices refuse to make arrangements for firms to interview students in connection with positions for which the firms have specified sex preferences or sex requirements.**

306. Married women encounter additional obstacles to entering employment. Some employers are unwilling to hire them because they think that they will not work for long. Others still disapprove of women combining jobs and family responsibilities. In fact, these responsibilities also prevent many women from joining the work force. Without child-care facilities or staggered work hours, mothers of small children cannot meet a conventional working schedule.

#### *(b) Advancing in Employment*

307. Inequality of opportunity does not disappear when women enter the labour force. Women's advancement is usually limited to intermediate levels. In 16 of 36 organizations surveyed for us, no women earned more than \$12,000. In the federal Public Service in 1968, the chances of a man

earning \$14,000 and over were 18 times as great as a woman's.<sup>65</sup> In the federal Crown Corporations surveyed, a man's chances seem to be even better.

308. Again, opportunity is limited by occupational segregation. The traditionally female occupations seldom lead to the upper echelons of management. Nor do they often provide the kind of challenge that can earmark an employee as a prospective occupant of the executive suite. This is of course part of the broader problem of dead-end jobs, and we believe that tailoring jobs to match employees' potential would help both men and women. But we also urge employers to develop programmes to move promising women out of these occupations and into the main stream.

309. Even when women are in work that can lead to senior levels, their opportunities are fewer than those of men. Teaching is an example. Briefs dealing with women teachers cited studies made at different times in several provinces. The following excerpts speak for themselves.

\* In British Columbia in 1967, of the 245 principals in one area only five were women.<sup>66</sup>

\* In Alberta in 1966, a man was 7.5 times more likely to become a principal than a woman, although he was only 2.5 times as likely to have higher qualifications than a woman.<sup>67</sup>

\* In Manitoba in 1968, although there were only seven men teachers to every 12 women teachers, there were almost three and one-half times as many men administrators as women administrators.<sup>68</sup>

\* In Ontario in 1967, of the total 3,459 elementary school principals only 925 were women although there were more women teachers than men teachers; in Ontario Teacher's Colleges there were 270 men masters and 102 women masters but no women in administrative posts; in Colleges of Applied Arts and Technology there were 1,365 men instructors and only 176 women; in the Department of Education 88 senior positions were held by men and one by a woman and there were 380 men inspectors and supervisors and only 27 women.<sup>69</sup>

\* In Quebec, under the Catholic School Commission of Montreal, in 1968, 89 per cent of the elementary teachers were women but only 51.8 per cent of the principals were women; only 16.3 per cent of the staff of the Commission were women, none of whom held senior positions.<sup>70</sup>

<sup>65</sup> Archibald, K. *Sex and the Public Service*. Study commissioned by the Public Service Commission of Canada, Ottawa, Queen's Printer, 1970, Table II-3, p. 28.

<sup>66</sup> Brief No. 237.

<sup>67</sup> Brief No. 301.

<sup>68</sup> Brief No. 372.

<sup>69</sup> Brief No. 342.

<sup>70</sup> Brief No. 434.



\* In Nova Scotia in 1961, there were 307 men principals and professors and only 70 women.<sup>71</sup>

310. The situation in universities is not much better. A study made for the Commission by the Canadian Association of University Teachers compared women university teachers with men university teachers who had the same amount of training and were of the same age, and found a higher proportion of men in the ranks of dean, department head, professor and associate professor. A brief<sup>72</sup> presented by a group of women university teachers reported that a survey which they had conducted found that one out of every four full-time men faculty members was a professor but that only one out of 21 women was at that level. It also found that while the number of men in the survey was roughly six times greater than the number of women, there were more than 30 times as many men deans as women deans (excluding deans of Nursing Education and Home Economics).

311. One study of women in the mass media in a large Canadian city graphically documented their failure to reach senior levels. Reported by a national organization,<sup>73</sup> the study covered 28 employers with a total of 1,147 employees, 23 per cent of whom were women. Women represented 73 per cent of the people in the survey earning annual salaries under \$4,000; 35 per cent of those earning between \$4,000 and \$8,000; 2.75 per cent of those earning between \$8,000 and \$12,000; and 2.5 per cent of those earning over \$12,000. Although 85 per cent of the women surveyed said they were willing to assume more responsibility, no women were editors, news editors, city editors or night editors on any city daily newspaper. Regardless of their competence, women appear to be promoted only in "women's interest" areas.

312. The most serious obstacle to women's advancement is probably the fact that many employers think senior positions are for men. Consciously or unconsciously, these employers attribute to women as a group characteristics that result in their elimination from consideration. It is a fairly common practice to ascribe certain characteristics to a particular group. But the practice becomes highly suspect when those characteristics are automatically ascribed to each member of the group until it has been proven to be otherwise.

313. Time after time briefs told us that this is happening to women. An interesting experiment in the federal Public Service supports this claim.<sup>74</sup>

<sup>71</sup> Brief No. 433.

<sup>72</sup> Brief No. 443.

<sup>73</sup> Brief No. 94.

<sup>74</sup> *Op. cit.* Archibald. Appendix C, p. 201.

To find out whether or not employers considering job applicants are influenced by their sex, officers were asked to rate the paper qualifications of a number of candidates. Given a male name, one candidate was rated first 86 per cent of the time. With a female name, the same candidate was rated first only 58 per cent of the time. Since the qualifications remained the same, the rating clearly differed on the basis of sex. When they thought the candidate was female, the raters scored against her characteristics that they apparently ascribed to women.

314. We are convinced that women will not have equality of opportunity so long as characteristics traditionally attributed to them as a group are attributed to them individually. They risk being automatically eliminated from consideration or being put to tests not required of male candidates. Either situation is intolerable from a viewpoint of equity and sound personnel practices. We urge employers to judge each woman's potential for advancement solely on her qualities as an individual. She should not be asked to prove her suitability in any way not required of other candidates.

315. Inadequate education and experience are often mentioned as deterrents to women's advancement. The number of women who attend university is much smaller than that of men; women who want professional or managerial jobs should recognize the value of a degree. The claim that women lack experience for senior positions has some foundation too. This is partly because many women drop out of the labour force for a period. But another reason why women lack experience for senior levels is that few can reach middle levels where the experience is gained. When women have the chance to move up according to their individual potential this claim will be less valid.

316. Employers also cite women's higher turnover<sup>75</sup> and absentee rates as reasons against their promotion. The validity of these reasons seems to us highly questionable.

317. Findings of studies on turnover rates of women and men are far from conclusive. The effect of sex is hard to isolate from other factors such as age, education, marital status, industry and place of employment. Level of employment is sometimes relevant because employees at routine levels and in dead-end jobs have less stake in a career. A study of the federal Public Service found that women's turnover rates were generally higher than men's, although this was not true in some age groups. It also found that women who left the service were more likely to return than were men. Their training and experience were thus less likely to be lost to the service.

<sup>75</sup> The turnover rate of a group of employees is the number of terminations of employment shown as a percentage of the total number of employees in that group for a specified period.

318. Most studies indicate that women are absent from work more often than men, but this may be related to their job level rather than their sex. Some studies indicate that employees in lower income brackets have higher absentee rates than those in upper brackets. The question is whether absentee rates in the low income brackets are higher because women are predominant there or whether women's absentee rates are higher because they are in routine low-level jobs.

319. In any event, differences in absentee rates of women and men are so small that they seem relatively insignificant. Women are reported absent about two days more than men in a year. This difference seems too slight to have any bearing on the future success or failure of an employee. We wonder whether an employer would choose between two men employees on this basis.

320. Some employers also claim that neither women nor men will work for women. Although it would appear that both women and men generally prefer to work for men, we saw no evidence that women are unsatisfactory supervisors. We consider it significant that people who have worked for a woman are less likely to prefer a male supervisor.<sup>76</sup> We are convinced that people will continue to prefer working for men until they get used to seeing women in senior positions. Those responsible for making selections for senior positions must ensure that they are not influenced by this preference. But more than this, if the preference is ever to disappear, we believe employers must make a special effort to see that qualified women are given every opportunity to advance.

321. Women themselves are often blamed for not reaching senior levels. Many employers think women are "until" workers. They see them as short-term employees who are working "until" they marry, "until" they have a family, or "until" they reach a short-term economic goal. Some employers are convinced that women are unwilling to assume responsibilities; they say this is why so few women apply for senior positions. As one employer said, "It is the girl who discriminates against herself—by being unwilling to assume responsibility."

322. Some of this is no doubt true and women must realize that dedication and self-development are important for success. But there is no evidence that unwillingness to assume responsibility is widespread among women or that this is characteristic only of women. There is also some indication that the number of "until" workers is declining.

<sup>76</sup> Judek, S. *Women in the Public Service*. A study commissioned by the Canada Department of Manpower, Ottawa, Queen's Printer, 1968, pp. 41-43.

323. Some women unfortunately have no time or surplus energy for self-development. Few women who have to care for children or aged or disabled parents can afford help. Many others are in occupations that give them no chance to demonstrate their potential for senior posts. The awareness that women have less opportunity to advance is itself a powerful disincentive.

324. But some women do reach senior positions. Having gone through the mill, what do they think about the comparative opportunities of women and men? We asked this question of a group of women who had "made the grade". They generally agreed that women have fewer opportunities for advancement than men but that not all the blame lies with employers. They felt that the smaller proportion of women with university degrees severely handicaps women as a group, and that the breaks in most women's employment often deprive them of valuable experience and put them out of touch with current developments. They considered women less likely than men to increase their educational status after leaving school or to take advantage of training courses.

325. They also agreed that many women are strongly motivated and well-qualified and that even these women find it hard to reach senior levels. As one woman put it: "The natural inclination is to pick the man so that he (the employer) has no reason for picking the woman unless she has better qualifications."

326. They were convinced that successful women have to be better qualified and to work harder than men. Some felt the biggest hurdle is between the lower levels and middle management. At this stage the impact of adverse attitudes to women in management is most keenly felt.

327. The women talked freely of the problems they encountered in their careers. They pointed out that unless women press for advancement, they are assumed to lack ambition. If they do press for it, they are forever tagged as "aggressive", a trait that our culture still considers desirable in men but not in women. So women find themselves in the familiar dilemma of being criticized either way.

328. They found that even women at the top are handicapped by their sex. They often begin to manage in an environment charged with prejudices against them, and they have to learn to cope with this environment before they attempt to change it. In time, prejudices usually disappear within the organization but they are still sometimes encountered in business relationships with outsiders. It is sometimes difficult to persuade a businessman



that he is dealing with top management when management is a woman. All the women agreed it would be impossible for them to transfer from their senior positions to senior positions in other organizations.

329. Most of these women, when asked what had contributed most to their success, credited it to hard work and long hours. More than one woman expressed her good fortune in finding work to which she could be totally committed. Others felt that their parents had given them confidence to set high goals. The moral support of their husbands and unprejudiced employers was important, but less important than drives and standards learned from childhood.

330. We received overwhelming evidence that inequality of opportunity for women to enter the labour force, to choose their employment and to advance is widespread. We have also seen some evidence of employment discrimination against women on the basis of marital status.<sup>77</sup>

### *(c) Fair Employment Practices Legislation*

331. All jurisdictions in Canada have legislation dealing with equality of opportunity in employment, but only Quebec and British Columbia prohibit discrimination on the basis of sex.<sup>78 79</sup> No province prohibits discrimination on the basis of marital status. It is clear that equality of opportunity for women is not assured under present legislation. Therefore, **we recommend that all provincial and territorial legislation dealing with equality of opportunity in employment specify that discrimination on the basis of sex and marital status be prohibited.**

332. At the federal level there are three pieces of legislation dealing with discrimination in employment. The Fair Employment Practices Act applies to employment in works, undertakings or businesses within the legislative authority of Parliament but, while it covers employment in federal Crown Corporations, it does not cover employment in the Public Service. The Act does not prohibit sex or marital status as grounds for discrimination. Sex discrimination in employment in the Public Service is prohibited by the Public Service Employment Act but no reference is made to marital status. Finally, the Fair Wages and Hours of Work Regulations, applicable to companies under contract to the federal government, fail to prohibit discrimination in employment on the basis either of sex or marital status.

<sup>77</sup> Nova Scotia and Newfoundland have some restrictions on civil service appointments of women not required to be self-supporting.

<sup>78</sup> The Newfoundland Human Rights Code, passed by the House of Assembly, has not been proclaimed as of April 1970.

<sup>79</sup> Ontario Bill 83, The Women's Equal Employment Opportunity Act, 1970, prohibits discrimination on the basis of sex and marital status. The Act has not been passed as of May 1970.

333. There can be no question that discrimination on the basis of sex is prohibited by the terms of the Canadian Bill of Rights. As a result of the decision of the Supreme Court in the Drybones case<sup>80</sup> it seems that prohibitions specified in the Canadian Bill of Rights will be implemented in all areas under federal jurisdiction. We nevertheless think that all legislation dealing with discrimination in employment should specify that sex is a prohibited ground for discrimination. We therefore believe that federal legislation should include prohibition against discrimination on the basis of sex as well as on the basis of marital status.

334. The staffs of the Senate and the House of Commons are not covered by any legislation dealing with discrimination in employment. We think all employees of the Government of Canada should be given the same protection and that this should be provided by the Fair Employment Practices Act. Therefore, **we recommend that (a) The Fair Employment Practices Act be amended to**

**(i) include "sex" and "marital status" as prohibited grounds for discrimination, and**

**(ii) apply to all employees of the Government of Canada; and**

**(b) The Fair Wages and Hours of Work Regulations be amended to include "sex" and "marital status" as prohibited grounds for discrimination.**

335. When the national employment services were transferred from the jurisdiction of the Unemployment Insurance Commission to the Department of Manpower and Immigration, that department assumed responsibility in its Canada Manpower Centres for the administration of Part II of the Unemployment Insurance Act. Section 22 (2)(b) specifies that it is the duty of the (Unemployment Insurance) Commission in organizing and maintaining the employment service to ensure that in referring a worker seeking employment there is no discrimination because of race, national origin, colour, religion, or political affiliation but nothing in that section shall be construed to prohibit the national employment service from giving effect to any limitation, specification or preference based upon a *bona fide* occupational qualification.

336. We believe that sex and marital status should be included as prohibited grounds for discrimination. Therefore, **we recommend that the provisions now included in section 22 (2) (b) of the Unemployment Insurance Act, amended to include sex and marital status as prohibited grounds for discrimination, be included in legislation applicable to Canada Manpower Centres.**

<sup>80</sup> The Queen v. Joseph Drybones, S.C.R. 1970.

*Use of Women's Skills and Abilities*

337. In the Canadian economy women represent the greatest untapped source of needed manpower. Subject to our conviction that married women should be free to decide whether or not to enter the labour force, we believe that the opportunity of fully using their skills and abilities in the labour force is vitally important to women themselves. The Economic Council of Canada has pointed out that the economy suffers when workers are not fully used: "The object of labour market policy, as we conceive it, is to bring about the matching of the supply and the demand for labour in specific localities and occupations in a way that manpower resources can be most productively utilized. It has as its purpose both the achievement of high employment and the utilization of the labour force at its maximum productive potential. Workers who are employed at less than their productive potential, whether it is because of problems associated with lack of occupational, industrial or geographical mobility, earn less than they are potentially capable of earning. They contribute less to national productivity than they are potentially capable of contributing. There is thus an important loss of goods and services to the country as a whole. The national economic loss from inefficient use of manpower resources can be just as great as the economic loss arising from unemployment."<sup>81</sup>

338. There are three main reasons why women's skills and abilities are not being fully used. Some women, and this is especially true of married women, have by choice remained outside the labour force. Other women who would like to enter the labour force are prevented from doing so by family responsibilities. Still others are working at jobs for which they have more education, experience or potential than they need for the duties or responsibilities of the positions they hold.

339. We believe that women's abilities will not be fully used, particularly at intermediate and senior levels, until there are more women in top management. It is unrealistic to think that firmly entrenched attitudes about women's capacities will be changed by a plea for justice or a more enlightened analysis of what women can do. We think these attitudes will change slowly or not at all until women have had a chance to show that they have capacities comparable to men.

*(a) Federal Boards and Commissions*

340. The federal government has so far shown little leadership. Brief after brief to the Commission deplored the virtual absence of women on

<sup>81</sup> Economic Council of Canada. *First Annual Review. Economic Goals for Canada to 1970*. Ottawa, Queen's Printer, 1964, p. 170-171.

federal Boards, Commissions, Corporations, Councils and Advisory Committees. And year after year, briefs from women's organizations to the Prime Minister of the day have urged the greater use of women in this capacity. A review made in 1969 by this Commission revealed that on the boards of directors of 97 federal agencies, Crown Corporations and Task Forces there were 639 men and only 42 women. Women comprised only 6.3 per cent of those appointed and 74 of these organizations had no women members. There are also some 73 departmental advisory councils and committees with a total membership in 1969 of 1,017 men and 102 women. Women's representation was nine per cent on these bodies, 47 of which have no women members.

341. Members are appointed by Order in Council or by other methods outside the competitive system prescribed by law for federal service positions. The federal government is therefore in an excellent position to take special measures, for a time at least, to appoint more women. We are convinced that qualified women are available and we believe that these bodies may profit from management that reflects the views and experience of women as well as those of men. Therefore, **we recommend that the federal government increase significantly the number of women on federal Boards, Commissions, Corporations, Councils, Advisory Committees and Task Forces.** Further, **we recommend that provincial, territorial and municipal governments increase significantly the number of women on their Boards, Commissions, Corporations, Councils, Advisory Committees and Task Forces.**

342. Women themselves must take responsibility for greater use of their skills and abilities in the labour force. They should actively seek advancement even though they may know their chances are small compared to those of men. They should also try to reach the highest educational level suited to their capacities.

343. Society does not make it easy for a housewife to improve her employment qualifications. Technical schools and universities rarely adapt themselves to her hours and she in turn can seldom fit the hours of these institutions because she cannot find or afford baby-sitters. Women who need new skills or refresher courses in old skills are often unable to take advantage of the federal-provincial programme of Occupational Training for Adults. In the Chapter dealing with education, we make proposals to correct this situation.

344. We urge employers to make greater use of the skills and abilities of their women employees. Equality of treatment of staff is generally a sound management principle. Any other course can lead to poor morale,



distrust of management by both those discriminated against and those favoured, and a reduction in productivity. To make full use of staff, employers should conduct comprehensive assessment programmes to identify employees' potential and needs, aim at tailoring jobs to coincide with employees' capacities and provide training programmes at all levels.

*(b) Training*

345. We were particularly interested in training for management positions, because women generally seem to stop short of this career level. We found that the training of women for advancement to the middle and upper levels of management is being badly neglected. Some organizations surveyed give no management training whatsoever to women. Only two women among some one hundred persons have participated in the recently introduced Career Assignment Program, a programme designed to provide future executives for the federal Public Service.

346. This failure to train women is hard to reconcile with employers' claims of a shortage of competent managers. There is no evidence that women are less likely to have management potential than men. Yet, if there is a shortage, employers are apparently "making do" with less than competent managers instead of developing the potential of women employees. We urge employers to establish special programmes to find and train suitable women for management.

*(c) Flexibility in Working Hours*

347. Employers can also make greater use of women who are not free during normal working hours. In occupations and professions where the supply of workers does not meet the demand, or situations where the work does not need a worker regularly or full-time, women who are unable to work normal hours could be usefully employed. Employers may find that they can increase productivity by using well-qualified women part-time rather than less-qualified persons who are available for the regular working hours.

348. So that women could use their skills without jeopardizing their family responsibilities, briefs urged more flexible hours of work such as later starting hours, extended lunch periods, earlier closing or shifts.

349. Some firms have demonstrated that flexible hours are feasible. A textile manufacturing organization has established a "twilight" shift from 5 p.m. to 11 p.m. for about 40 married women.<sup>82</sup> They are covered by the

<sup>82</sup> Brief No. 347.

company's collective agreements and are entitled on a *pro rata* basis to the same social and other benefits as full-time employees. A wire products manufacturer has developed a "Housewife Shift" through the co-operation of management and unions.<sup>83</sup> It has solved a labour shortage and provided extra income to families. This shift allows women to prepare the family dinner before reporting for work.

350. Briefs indicated, however, that the greatest use of the abilities of women with family responsibilities could be made not through shift work but through more part-time work for women.

#### *(d) Part-Time Work*

351. Of some 3,500 women surveyed in 1964 by the Women's Bureau of the Ontario Department of Labour, only 26 per cent were interested in full-time employment while 74 per cent were interested in part-time employment. A 1966 sample survey of women university graduates conducted by the Canadian Federation of University Women revealed that more than half the women who planned to work in the future would like part-time employment.

352. Part-time work is not always available even in professions where workers are in short supply. A brief from the Federation of Medical Women of Canada and other Canadian Women Physicians<sup>84</sup> proved an excellent source of information on women physicians' participation in the labour force, their interests and problems. Almost 80 per cent of Canadian women physicians continue to make use of their training. It is estimated that from 48.5 to 58 per cent of all married women physicians are working full-time. A substantial number of women are practising part-time which, in the medical profession, could extend to a 40-hour week.

353. Though women's participation rate is high in the medical profession, the profession suffers from the loss of the skills and training of some women physicians. Since rapid advances in medicine make it difficult for married women to re-enter the work force after a period of absence, briefs stressed the great need for more re-training facilities. They also strongly urged that women physicians should be given more part-time work. They suggested that medical programmes in government, industry and schools could be adapted to employ married women with family responsibilities, and deplored the inflexibility of some hospital staffing schedules that do not provide for part-time work.

<sup>83</sup> Brief No. 311.

<sup>84</sup> Brief No. 302.

354. For home economists and dietitians, the picture is much worse. There is still a chronic shortage of workers in both professions, yet there are relatively few openings for part-time workers. As a result, many of these women withdraw from the labour force when they have families.

355. Because society provides few opportunities for women to work part-time in the professions, it loses some services now in short supply and also gets little or no return for the investment made in the education of these women. We urge organizations employing workers in professions in short supply to make full use of women who are available for part-time work.

356. In Canada the number of part-time workers has risen steadily. According to the Dominion Bureau of Statistics,<sup>85</sup> 22 per cent of the 2.3 million women employed in 1967 usually worked less than full-time, compared to 17.3 per cent of the 1.6 million employed women in 1961.

357. The latest occupational data available are based on 1961 census figures. At that time, the highest proportion of women wage-earners working less than 35 hours weekly were in sales, service and professional and technical occupations.<sup>86</sup>

358. The publication *Part-Time Employment in Retail Trade*<sup>87</sup> has a chapter on part-time employment in two department store chains. It provides interesting information not only on employees who work regularly but less than the normal weekly hours but also on those whose employment is more sporadic or, as the publication calls it, "non-regular". In one company, the "non-regular" employees made up 49 per cent of the total staff. In the other company, they made up 27 per cent.

359. The two department store chains reported that women applicants for part-time work are usually over 35 years of age and that recently many women over 50 have been looking for work. Supervisors preferred the older workers who, they felt, had "greater consistency of performance, a more highly developed sense of responsibility, a more settled attitude toward their jobs and, most important, a greater ability to inspire confidence in the customer."<sup>88</sup>

360. Both companies reported that part-time employees were hired at the same rates as full-time employees. There was evidence, however, that

<sup>85</sup> Dominion Bureau of Statistics. Census of Canada 1961. Vol. 3, Part 3, Table 24. DBS. Special Tables, 12-month Averages. Labour Force 1967, Cat. no. 71-001. Table 3a.

<sup>86</sup> *Loc. cit.* Census of Canada.

<sup>87</sup> Canada Department of Labour, Women's Bureau. *Part-Time Employment in Retail Trade*. Ottawa. Queen's Printer, 1969, pp. 27-37.

<sup>88</sup> *Ibid.* p. 31.

they were unlikely to advance. Regular part-time employees in both companies received the same vacations as full-time employees. Vacation pay was given to "non-regular" employees where provincial legislation required it. "Non-regular" employees did not usually receive paid holidays nor did they participate in company welfare plans. In one company they had no employee discount privileges.

361. The expanded use of part-time workers has advantages and disadvantages. People who encourage the use of part-time workers stress their importance as a source of supplementary manpower when labour or specific skills are scarce. They also emphasize that part-time employment can help to increase productivity by reducing fatigue and making better use of space and capital equipment.

362. Some employers argue that increased use of part-time workers would raise their administrative costs although this should be partly offset by the increasing computerization of records. They also claim that the allocation of work and privileges to a staff including both full-time and part-time employees increases administrative problems.

363. Full-time employees and unions also have reservations about the use of part-time workers. They fear that part-time labour, often lower paid, will offset the pressure of wage claims or that employers may replace full-time staff with this cheaper labour.

364. Some advocates of women's rights present arguments against the increased use of part-time workers. Much part-time work today requires no skills and some people fear this may affect women's wages on the whole. The identification of women with unskilled, irregular work may also blur the image of women's capacities in the work world.

365. Although we recognize the problems inherent in the increased use of part-time workers, we believe that organizations should look seriously for areas in which this type of worker can be employed to advantage. This will certainly make much needed skills available to them. Part-time work will also give women more to offer when they return to the labour force full-time, because they will be less handicapped by loss of skills and outdated experience.

366. We also believe that part-time work will help women to achieve equality of opportunity in employment. Women who need or want to supplement their income should have a chance to do so, a chance many can get only by working part-time. Part-time work may also alleviate the feeling



of alienation from society from which some housewives suffer. Therefore, **we recommend that the federal government undertake a study of the feasibility of making greater use of part-time work in the Canadian economy.**

367. We recognize one major problem in the use of part-time workers: the provision of fringe benefits for those not employed on a regular basis. We nevertheless believe that ways must be found to provide these employees with pay and working conditions no less equitable than those provided for the full-time worker.

### **The Government of Canada**

368. The Government of Canada is the country's largest employer and also its largest employer of women. Some 475,000 people, including more than 81,000 women, are in all government services including the Armed Forces. In this Report we have used the term "federal employees" to mean employees of the Government of Canada exclusive of those in the Armed Forces, and the term "Federal Service" to mean the Government Service exclusive of the Armed Forces. In this sense there are some 380,000 federal employees, of whom about 80,000 are women. Although about 25 per cent of all federal employees are in the National Capital area, the Federal Service employs people in almost all parts of Canada.

369. The position of women employees in the Government of Canada deserves close examination, not only because the government employs a large number of women in a great variety of occupations, but because the government's employment practices should demonstrate its principles. Since Canada has officially subscribed to principles recognizing women's right to equality of opportunity, the Canadian government must ensure that its employment laws, policies and practices reflect and implement these principles. The government should also make its own adherence to principles conspicuous to other employers.

370. Government organization is complex and by no means all employees are appointed under the same authority, subject to the same terms and conditions of employment or paid under the same wage scales. We have therefore examined the position of women employed in five separate areas of the Government of Canada: the Public Service<sup>89</sup> which is made up of government

<sup>89</sup> There are different definitions of the "Public Service" in different pieces of legislation. In the context of the two background studies we used, and consequently in the context of our Report, the "Public Service" has a particular meaning. In general terms, it means those portions of the Federal Service to which the Public Service Employment Act applies. But it does not include all the employees under that Act. Much of the relevant data were available only on those portions of the Service that are now under the Public Service Employment Act and that had also formerly been under the old Civil Service Act, rescinded in 1967. In the context of this Report, then, the "Public Service" means the former "Civil Service."

departments and certain Boards and Commissions; some of the larger federal Crown Corporations and agencies; the Senate and the House of Commons; the Royal Canadian Mounted Police; and the Armed Forces.

### *The Public Service*

371. Women have been employed in the federal Public Service from its earliest days.<sup>90</sup> In 1870, a matron and deputy matron of the Kingston Penitentiary were appointed and a woman was employed as "lock-labourer" at the Williamsburg Canal in 1871. By 1885, 23 of the 4,280 public servants were women, more than one-third of whom were junior clerks in the Post Office Department. Today, there are some 41,000 women in the Public Service.<sup>91</sup>

372. These women represent 27.3 per cent of the Public Service. Approximately 42 per cent of the women are single, 43 per cent are married and 15 per cent are widowed, separated or divorced. It has been estimated that 55 per cent of the women have one or more children, with about 20 per cent having children under the age of six years.

373. Chart 3 shows the distribution of full-time Public Service employees by salary and sex for the year 1967. Women tended to be concentrated at the lower pay levels, with 41 per cent of the women receiving less than \$4,000 per year as compared to seven per cent of the men. Slightly more than half the men received less than \$6,000 while nine out of 10 women received less than that amount.

374. In a number of ways the female work force in the Public Service is similar to the female labour force in Canada. Women represent approximately 27 per cent of the Public Service and 31 per cent of the labour force. In both work forces, roughly half the women workers are married. In both the Public Service and the Canadian labour force, women earn less than men.

#### *(a) Pay*

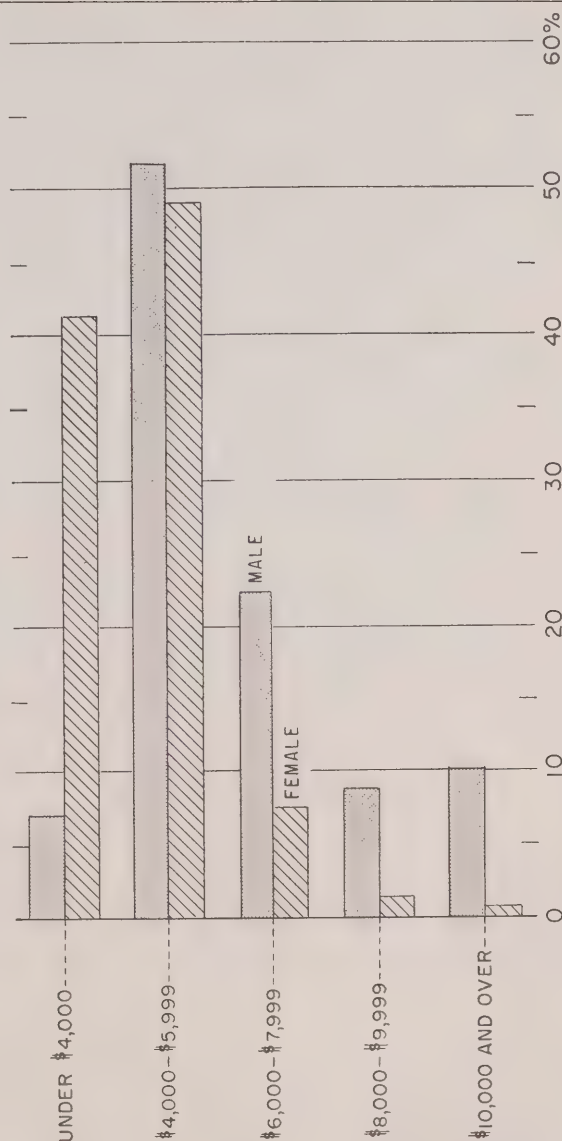
375. There is no equal pay legislation applicable to the Public Service. We believe the government should be held responsible by law for giving "equal pay for equal work" and earlier in this Chapter we have proposed

<sup>90</sup> The portion of this Report dealing with the Public Service has been based largely on the information provided by the following studies: Archibald, K. *Sex and the Public Service*. Study commissioned by the Public Service Commission of Canada, Ottawa, Queen's Printer, 1970. Judek, S. *Women in the Public Service*. Their Utilization and Employment. A study commissioned by the Canada Department of Manpower, Ottawa, Queen's Printer, 1968. (The survey sample used in this study was restricted to employees of the Public Service in the National Capital Region which accounts for 38.1 per cent of the total number of female employees in the Public Service.)

<sup>91</sup> This figure does not include several thousand women who are casual employees, prevailing rate employees, or employees excluded from the Public Service Employment Act.

CHART-3

# PERCENTAGE DISTRIBUTION OF FULL-TIME EMPLOYEES IN THE PUBLIC SERVICE\* BY SALARY AND SEX, JULY 1967



\* Public Service as defined in footnote 89, Chapter 2.

Source: Archibald, K. Sex and the Public Service. Study commissioned by the Public Service Commission of Canada, 1970; Figure II-2, p. 25.  
Data for this chart will be found in the Appendix, Table A-2.

that the Female Employees Equal Pay Act be amended to apply to all employees of the Government of Canada.

376. The Government has, however, always supported the principle of equal pay, and we found no different pay scales for women and men in the Public Service. But we did find one situation that seems to us to have discriminatory features. The predominantly female occupation Nursing Assistant and the predominantly male occupation Nursing Orderly have similar duties and responsibilities.<sup>92</sup> The starting salaries for the two classes<sup>93</sup> in the Public Service are the same. Yet Nursing Assistants are required to have completed a course of training, usually 10 months long, and to be provincially licensed or certified. Nursing Orderlies, on the other hand, are trained on the job. More than this, Orderlies are automatically promoted to Specialist Orderlies, with higher pay, after their training and a period of satisfactory service; Nursing Assistants are not.

377. The fact that Nursing Assistants are frequently paid less than Nursing Orderlies outside the federal Public Service does not, in our view, justify this differential treatment. Therefore, **we recommend that the differential treatment of Nursing Assistants and Nursing Orderlies in the federal Public Service be eliminated.**

378. As elsewhere in the work world, one reason for women's lower earnings in the Public Service is that they are generally employed in the lower-paying occupations. Table 11 shows the distribution of women in six occupational categories and points up their concentration in support occupations which include clerks, secretaries, stenographers and typists.

Table 11. Percentage Distribution of Women in the Federal Public Service by Occupational Category, July 1967

Office Support and Administrative Support.....	83.0
Administrative.....	5.5
Technical and Inspection.....	2.0
Postal, Customs and Immigration.....	2.0
Professional and Scientific.....	1.5
Service and Maintenance.....	0.5
Hospital Classes.....	5.5
	100.0

SOURCE: Archibald, K. *Sex and the Public Service*. Study commissioned by the Public Service Commission of Canada, Ottawa, Queen's Printer, 1970, p. 20.

<sup>92</sup> Nursing Assistants and Nursing Orderlies are employed in federal government hospitals for treatment of war veterans, armed forces personnel, Indians and Eskimos.

<sup>93</sup> In the Public Service, positions are identified in terms of a "class" rather than an "occupation". Related classes are grouped together to form an "occupational category". For example the Information Services class and the Personnel Administration class both belong to the Administrative Category.



379. There are many classes in the Public Service in which there are few or no women. Some of these classes are made up of only senior positions and others have senior positions at the top of their pay scales. The virtual absence of women in these classes also pulls down the average of women's earnings. The Senior Officer Class,<sup>94</sup> the most senior level in the Public Service, includes Assistant Deputy Ministers. In 1967, of the 349 Senior Officers, only three were women. For the same year, in the Department of External Affairs six per cent of the Foreign Service Officers were women. In Trade and Commerce no women were Foreign Service Officers. Until two female trainees were appointed to this class in Trade and Commerce in 1969, it was evidently considered that Canada's diplomacy but not her trade could be entrusted to women.

380. Since administrative positions are usually among the more senior positions in the Public Service, the small proportion of women in this category also helps to widen the gap between men's and women's earnings. In 1967, women made up less than 10 per cent of the employees in five of the 10 administrative classes.

381. As elsewhere, women's lower earnings can also be attributed to the comparatively lower pay scales for traditionally female professions. We have recommended earlier in this Chapter that the pay rates in the federal government for nurses, dietitians, home economists, librarians and social workers be set by comparing these professions with other professions in terms of the value of the work and the skill and training required.

382. We would also like to draw attention to a practice that we consider an unfair way of establishing the pay for a traditionally female occupation. The level that a secretary can reach is based on the level of the person she works for rather than the duties she performs. In our view, this practice of "rug-ranking" seriously infringes on the rights of individuals to equitable treatment and places secretaries in a position in which their pay is dependent on the pay received by others. Therefore, **we recommend that the positions of secretaries in the federal Public Service be classified by one of the methods used for other classes in the federal Public Service.**

### *(b) Conditions of Employment*

383. Except for certain provisions in the Public Service Superannuation Act and one regulation that covers the payment of an employee's moving expenses, the Public Service does not differentiate between men and women in its terms and conditions of employment. Maternity leave is the one piece of protective legislation applicable only to women.

<sup>94</sup> Since the Archibald and Judek studies were completed, the Senior Officer Class has been eliminated and the executive category substituted in its place.

384. Under the Public Service Superannuation Act, pensions for women and men contributors are computed on the same basis. But in its application the pension plan makes one serious distinction between men and women employees: it is designed to protect the widow of the male contributor but not the widower of the female contributor. The widow is paid an annuity equal to one-half the annuity her husband had earned. To cover the additional cost of a widow's annuity, male employees contribute to the Superannuation Plan at the rate of 6.5 per cent. Women contribute at the rate of only five per cent, and their widowers receive no annuity.

385. Briefs to the Commission urged that the Superannuation Plan be altered to provide protection for the husband of the woman worker. We believe this should be done. In our view the difference in provisions for female and male contributors cannot be justified if women and men are to be treated equally. Recognizing that removal of this differential treatment will increase the rate of women's contributions, we suggest that women must assume the burdens of equality of treatment as well as enjoy its benefits.

386. There is still another difference in the Public Service Superannuation Act. Under the terms of section 44 (1), supplementary death benefits are paid to the widow of a married male contributor. On the death of a married female contributor, they are paid to her estate. A woman can therefore will the supplementary death benefits to someone other than her husband. Since we see marriage as a partnership in which responsibilities and benefits are shared, we believe that the responsibilities of women and men to their spouses should be the same. Therefore, **we recommend that the federal Public Service Superannuation Act be amended so that (a) there will be no differences in the provisions on the basis of sex, and (b) the surviving spouse of a contributor will be paid the supplementary death benefits.**

387. The only other situation in which men and women in the Public Service receive different benefits occurs in the Removal Expense Regulations. These Regulations apply to expenses incurred when an employee is transferred from one place of duty to another or a person joins the Public Service to work in a place other than the place where he lives. Generally, the only expenses that may be paid are reasonable expenses incurred by the employee and his dependants. The sex difference in the provisions of these Regulations occurs in the definition of dependants. Dependants are defined as: (i) the wife of an employee; (ii) an employee's dependent child who has not passed his twenty-first birthday, or in respect of whom the employee is entitled to exemption under the Income Tax Act; (iii) any other relative of an employee who is a member of the employee's household and who is dependent upon him for support by reason of incapacity or ill-health,

provided the employee certifies that he is entitled to an exemption for this relative under the Income Tax Act. Therefore, **we recommend that the federal Removal Expenses Regulations be amended so that the expenses paid for the wife of an employee will also be paid for the husband of an employee.**

388. Maternity leave for the Public Service, the only protective legislation applicable specifically to women, was first introduced in 1958 in the form of leave given at the discretion of the employer. In 1962, at a time when maternity protection was not common elsewhere, the government showed leadership by making leave an entitlement. Nonetheless, the leave provided was, and continues to be, without pay.

389. When maternity leave was introduced, collective bargaining was not common in the Public Service and provisions for maternity leave were prescribed by regulation. While maternity leave is now a subject for collective bargaining, the Public Service Terms and Conditions of Employment Regulations still contain maternity provisions since some employees are not in bargaining units.

390. Collective agreements seem to be continuing the provisions set out by regulation. Like the Public Service Terms and Conditions of Employment Regulations, collective agreements provide for leave without pay. Some, however, give a day's paid leave to a father when his child is born. A mother receives no pay at all, even on the day of the birth of her child.

391. Earlier in this Chapter we pointed out the need for income protection for women absent from work for maternity reasons. To ensure this, we proposed that the Unemployment Insurance Act be amended to provide for payment of unemployment benefits to these women. We also proposed that employees of the Government of Canada be included in the programme. If these two proposals were carried out, women in the Public Service eligible for unemployment insurance benefits could collect some income during maternity leave.

392. The Public Service Terms and Conditions of Employment Regulations provide for two months' leave before the expected date of birth and six months' leave after the birth. Shorter or longer periods may be authorized under certain conditions. In terms of the length of leave, the federal government continues to show leadership. But we are concerned with the possible discriminatory effects of section 50 (2). This subsection permits the deputy head to "direct a female employee who is pregnant to proceed on maternity leave at anytime, where, in his opinion, the interest of the department so requires." We believe that a woman should not be compelled to go

on maternity leave any earlier than six weeks before the expected date of confinement and that she should be entitled to continue working during these last six weeks if a qualified medical practitioner certifies she is able to do her work. Therefore, **we recommend that the federal Public Service Terms and Conditions of Employment Regulations be amended by (a) deleting section 50 (2), and (b) substituting the provision that, during the six-weeks period preceding the expected date of an employee's confinement, a deputy head may direct the employee to proceed on maternity leave unless she produces a medical certificate that she is able to work.**

393. Collective agreements have so far included the provisions set out in the Public Service Terms and Conditions of Employment Regulations but there is no assurance that they always will. Adoption of our proposals that maternity leave provisions be included in the Fair Employment Practices Act and that it be applicable to all employees of the Government of Canada, would ensure that collective agreements could not include maternity leave provisions any less favourable than those prescribed in that Act.

394. During maternity leave the employee is required to pay the employer's contribution to the Superannuation Plan as well as her own. She must also pay her own and her employer's contribution to the Group Surgical-Medical Plan, which provides for certain expenses not covered by Medicare. We believe that the woman should not have to bear this financial burden at a time when she is suffering an income loss. Therefore, **we recommend that the federal government continue to pay the employer's contribution to the superannuation and Group Surgical-Medical Plans when an employee is on maternity leave.**

### *(c) Equality of Opportunity*

395. As in most other organizations, women's opportunities of entering the Public Service and advancing in it appear to be fewer than those of men. The only protection against sex discrimination in the Public Service is in section 12(2) of the Public Service Employment Act which states that "The (Public Service) Commission, in prescribing selection standards under subsection (1), shall not discriminate against any person by reason of sex, race, national origin, colour or religion."

396. We have proposed that the Fair Employment Practices Act, amended to prohibit discrimination on the basis of sex and marital status, be made applicable to the Government of Canada. We recognize this may constitute a problem since two pieces of legislation dealing with sex discrimination in the Public Service would be administered by two different parts of the Service.



The Department of Labour administers the Fair Employment Practices Act. As guardian of the merit principle, the Public Service Commission administers the Public Service Employment Act.

397. We have concluded that the advantages of having the Fair Employment Practices Act applicable to the Public Service override any advantages to leaving this matter to the Public Service Employment Act. The former Act contains machinery for investigation and penalties for violations; the latter Act does not. Moreover in its role as the appointing agency, the Public Service Commission is an employer like any private organization. We believe that another agency should be the guardian of fair employment practices.

398. Inequality of opportunity to enter the Public Service does not arise from limitations on women's rights to apply for positions. Openings in the Public Service are rarely, if ever, restricted to one of the sexes.

399. We did, however, find one situation in which this is not the case in practice. In bindery operations in the printing trades, only women are appointed to bindery positions level 1 and they are called "journeywomen". Only men are appointed to bindery positions level 2 (the next higher level) and they are called "journeymen". Therefore, **we recommend that federal Public Service bindery positions at levels 1 and 2 be open to women and men on the same basis and that the job title "journeywoman" be eliminated.**

400. In spite of the fact that virtually all positions in the Public Service are open to both sexes, we found evidence of subtle discriminations. Although Public Service advertisements, recruitment literature and recruitment programmes scrupulously avoid any statement that might be construed as a sex preference, we received examples of male-directed advertisements and recruitment literature that seemed to be perpetuating sex-typing of occupations and the subordinate role of women.

401. Briefs told us that women students believe that recruiting teams making campus visits for the Public Service are primarily interested in male students. They also protested because these teams rarely include a woman.

402. All these attitudes and practices contribute to occupational segregation by sex and, in our view, to further inequality of opportunity for women. That occupational segregation is a fact in the Public Service is demonstrated by the concentration of women in a few classes. If women are to have equality of opportunity in the Public Service, we believe that the Public Service must actively resist the traditional practice of sex-typing occupations. Because a woman's choice of career is often influenced by tradition, we also believe that the Public Service should emphatically proclaim that women are just as much

wanted in all occupations as men. Therefore, we recommend that, until the sex-typing of occupations is eradicated, the federal Public Service Commission and federal government departments (a) take special steps to increase the number of women appointed to occupations and professions not traditionally female, (b) review and, where necessary, alter their recruitment literature and recruiting programmes to ensure that it is abundantly clear that women are wanted in all occupations and professions, and (c) take special steps to obtain applications from qualified women when appointments for senior levels are being made from outside the service.

403. Women encounter obstacles not only in entering the Public Service but in reaching its higher levels. Although women in the professions have fared better than less well-educated women, the door to managerial positions has opened noticeably only in the last two decades.

404. That women do not reach the upper levels in the same proportion as men was recently demonstrated by an examination of women's and men's pay in 1968. In that year, the chances of a man receiving \$10,000 and over were 12 times as great as those of a woman. The chances of a man receiving \$14,000 and over were 18 times as great.

405. Employees usually advance by rising within their own classes. Most classes in the Public Service have a number of levels, each higher level representing increased responsibility and pay. An employee advances by moving from one level to a higher one in the same class, usually one level at a time.

406. A small proportion of women at the higher levels does not necessarily indicate that they are not advancing at the same rate as men. If there are fewer women than men at the lower levels, we can reasonably expect to find fewer women than men in senior positions. One way of comparing women's rate of advancement with men's is to compare the proportion of women at one level with the proportion of women at the next lower level.

407. The distribution by levels of women in selected classes in 1968 was examined. In the professional classes, the percentage of women dropped as the level increased, except for research scientists and statisticians where women more than held their own. In the Administrative and Foreign Service category, the percentage of women almost invariably dropped as the level increased. Of the total number of employees in the top levels for all classes in the category, only 1.7 per cent were women. In the category as a whole, 10.5 per cent were women.

408. In other categories the proportion of women also tended to decrease as the levels increased. This was particularly striking in the clerical and

regulatory group of the Administrative Support category where slightly more than half of the employees were women. In the first three levels women heavily predominated. In the highest level, they represented only 13.1 per cent of the employees.

409. This study indicated that women were generally not advancing to senior levels in the same proportion as men, even in those classes in which women predominate. The two studies of the Public Service examined the reasons commonly given for women's failure to advance: their higher turnover and absentee rates, lower level of education, and lack of experience.

410. It was found that over the most recent six-year period the turnover rates for women in the Public Service had been almost twice as great as those for men. When selected occupations were examined, the female rate was almost always higher. For a three-year average, the male rate in the selected occupations was 7.5 per cent and the female rate 14.9 per cent.

411. As Charts 4 and 5 indicate, age and pay levels were found to influence turnover rates. Chart 4 shows that women's turnover rates exceeded those of men for every age group but one. The one exception was in the under-20 age group where the male rate was almost twice the female rate. When the average rates for those under 25 years of age were computed, however, the male and female rates became 21 per cent and 24 per cent respectively. One study says, "A middle-aged woman is at least as likely to stay on the job as a young man. The probability of losing a man or a woman under 25 in a particular year is about equal: among those under 20, the man is twice as likely to leave as the woman".<sup>95</sup>

412. As Chart 5 indicates, turnover rates for women were higher than those for men in all pay brackets except under \$4,000. For both sexes, the turnover rates tended to decrease up to \$8,000 and then generally to level off.

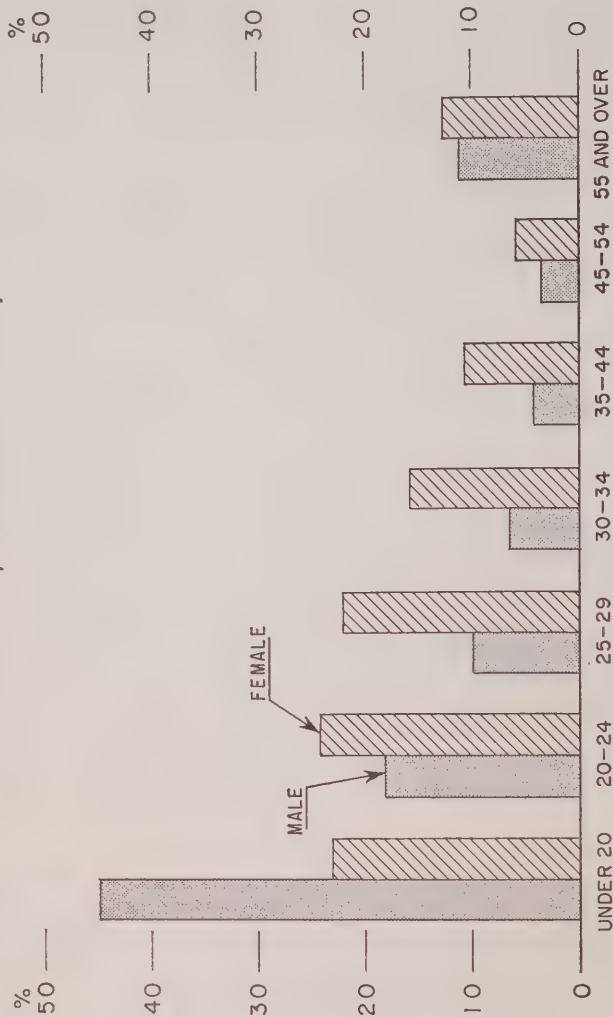
413. On the whole, then, the turnover rate of women is higher than that of men. But there is one compensating feature. There are a substantial number of employees who at one time left the service and have returned. One study has estimated that about three times as many women as men return to the Public Service.<sup>96</sup> Some of the costs incurred in losing an employee are therefore more likely to be recovered if the employee is a woman.

<sup>95</sup> *Op. cit.* Archibald. p. 78.

<sup>96</sup> *Ibid.* Archibald. p. 83.

CHART-4

# TURNOVER RATES\* OF FULL-TIME EMPLOYEES IN THE FEDERAL PUBLIC SERVICE, BY SEX AND AGE, 1967

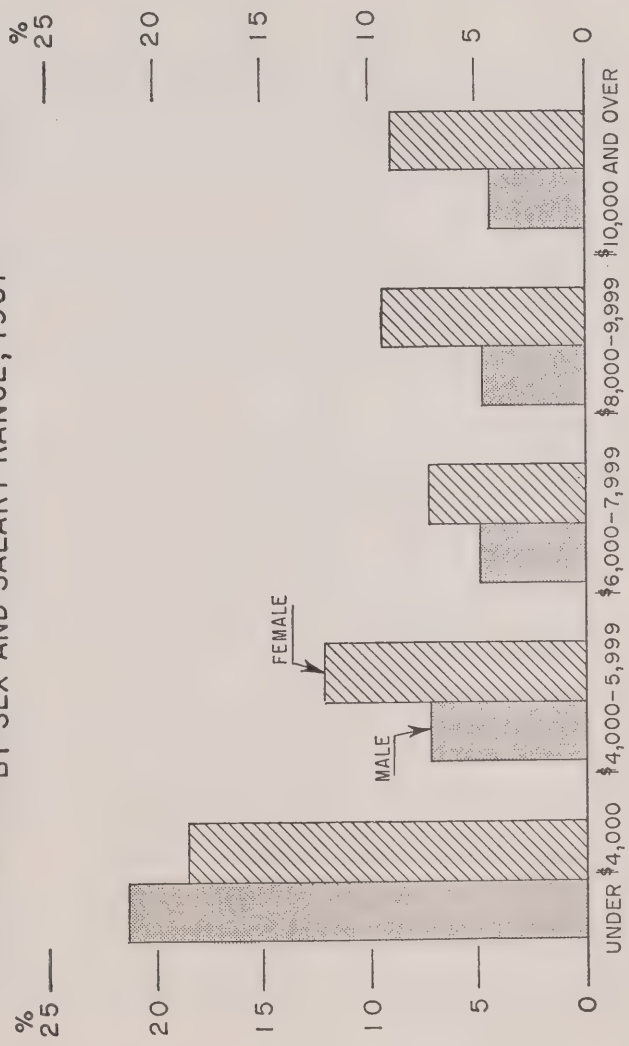


\* Turnover rate is defined in footnote 75, Chapter 2.

Source: Archibald, K. Sex and the Public Service. Study commissioned by the Public Service Commission of Canada, 1970. Figure IV-2, p. 80. Data for this chart will be found in the Appendix, Table A-3.



TURNOVER RATES\* OF FULL-TIME EMPLOYEES IN THE FEDERAL PUBLIC SERVICE  
BY SEX AND SALARY RANGE, 1967



\*Turnover rate is defined in footnote 75, Chapter 2.

Source: Archibald, K. Sex and the Public Service. Study commissioned by the Public Service Commission of Canada, 1970. Figure IV-3, p. 80.  
Data for this chart will be found in the Appendix, Table A-4.

414. Absenteeism in the Public Service is usually related to sick leave and to special leave for family or other emergencies. Sick leave is generally called "casual" when the period is short and no medical certificate is required. Where a medical certificate has been necessary, the sick leave is called "certified".

415. Absenteeism has been decreasing in the Public Service. In the calendar year 1962, men used an average of 6.91 days of certified sick leave and women used 9.36 days. In the fiscal year 1966-1967, certified leave had dropped to 4.09 days for men and 4.41 days for women. The difference between men's and women's total average sick and special leave usage was only 1.24 days for that year.

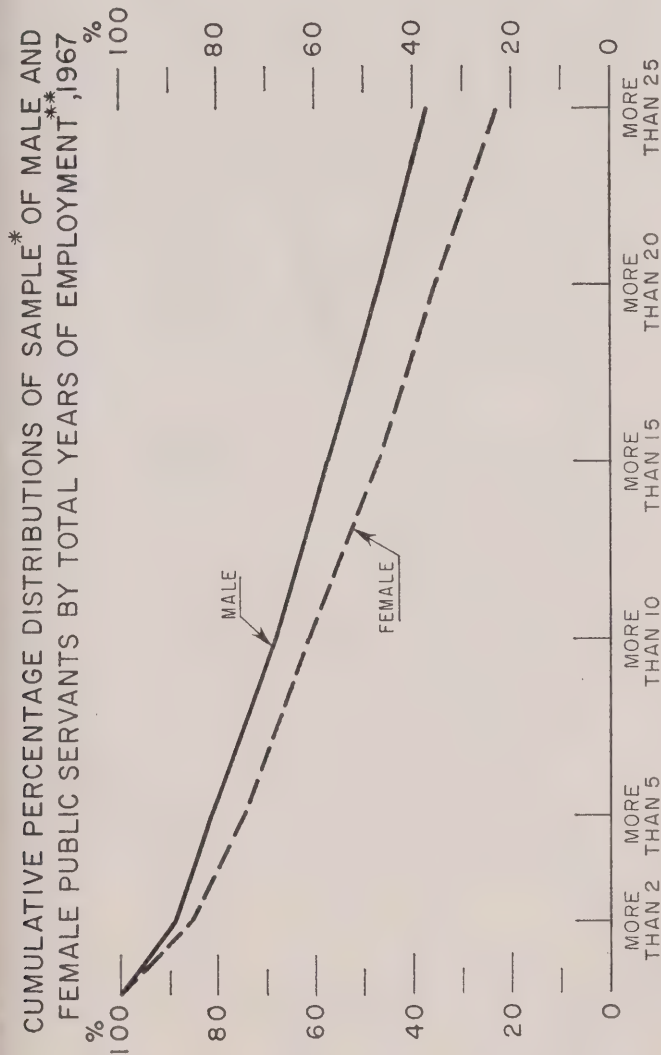
416. Married women used the most sick leave, followed by the women and men "formerly married". Rates for married and single men were only slightly lower than those for single women. Married women used the largest number of days of special leave, but the number of days used by a married woman did not seem to be related to the size of her family.

417. The claim that women lacked the necessary education for advancement was examined. Like the Canadian labour force in general, at the high school level the education of women in the Public Service was found to be somewhat higher than that of men. Again like the labour force, the proportion of women with university degrees was lower. In so far as senior positions requiring a degree are concerned, then, the lack of the required level of education may contribute to women's not advancing to the relatively small group of positions requiring a degree.

418. The kind of university education women have seems to be related to their advancement. It has been estimated that only 40 per cent of the women making more than \$10,000 annually and only 25 per cent of those making more than \$12,000 are in traditionally female professions. This suggests that the traditionally female professions provide less opportunity than other professions for advancement to senior pay levels.

419. Men in the Public Service average slightly more years of working experience than women. As Charts 6 and 7 illustrate, in 1967 the difference between the sexes was not great either in terms of total years of employment or years in the Federal Service. The fact that women usually enter the Service at an earlier age than men explains why women with breaks in service are able to almost catch up with men.

420. But when the pay levels reached by women and men with the same education and experience are compared, some curious findings emerge. As one study put it, women "tend to do less well in the Public Service, relative



\* Excludes postal, customs and immigration category, so 80 per cent of the men in Judek's total sample are missing for this reason or as non-respondents, compared to eight per cent of women.

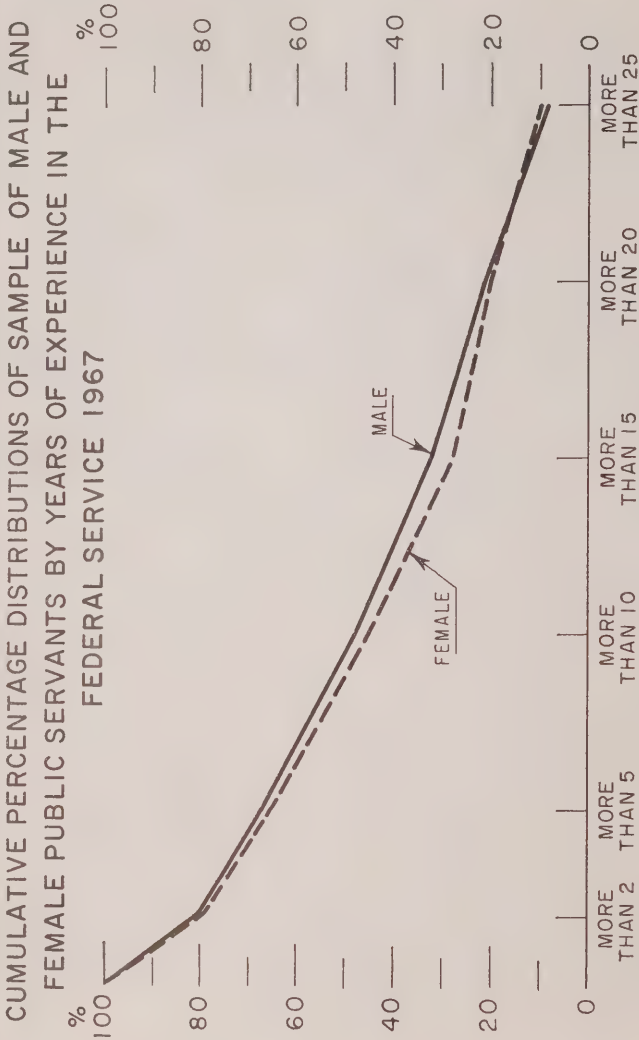
\*\* Respondents were asked to include self-employment and military service but not "summer jobs, casual employment, jobs after school, etc." Experience in the Federal Service is added in.

Sources: Judek, S. Canada Department of Labour. Women in the Public Service. Their

Utilization and employment. Ottawa, Queen's Printer, 1968, p. 52.

Archibald, K. Sex and the Public Service. Study commissioned by the Public Service Commission of Canada, 1970. Figure IV-4, p. 81. Data for this chart will be found in the Appendix, Table A-5.

CHART -- 7



Sources: Judek, unpublished data in computer print-outs.

Archibald, K. Sex and the Public Service. Study commissioned by the Public Service Commission of Canada, 1970. Figure IV-5, p. 81. Data for this chart will be found in the Appendix, Table A-6.



to men, the more work experience and the more education they have, up to and including a bachelor's degree".<sup>97</sup> A woman with a bachelor's degree and 26 years of experience is probably the worst off; her salary is only 56 per cent of the salary of a man with the same education and experience. Women begin to do better with a master's degree and, with a Ph.D., do almost as well as men. There is evidence, then, that the failure of women to advance cannot be wholly attributed to the inadequacy of their education or experience.

421. What do employees themselves say about the opportunities of women in employment in the Public Service? One of the studies questioned 42 women in senior positions and a matched sample of 20 men.<sup>98</sup> Both sexes felt that there was less discrimination on the basis of sex in the Public Service than in industry, business and the professions. Nonetheless, 75 per cent of the women and 50 per cent of the men believed discrimination against women did exist. Several women felt that women had less chance to achieve management positions. Six women said they had been told explicitly that they could not be appointed to certain positions because they were women.

422. Imaginative programmes can help to eradicate inequality of opportunity and to foster women's advancement in the Public Service. But we are convinced that adverse attitudes to women's advancement are so ingrained that only deliberate policies can correct the long-standing imbalance of men and women at senior levels. We believe that this can be done within the merit principle. Therefore, **we recommend that the federal Public Service Commission and federal government departments have as an objective the elimination of the imbalance in the proportion of women and men in senior positions and (a) as much as is feasible, emphasize potential rather than experience as a basis for appointment or promotion; (b) ensure that vacancies are open to employees at a classification level low enough to permit consideration of qualified women; and (c) when a job opens, make sure that women candidates get full consideration including the evaluation of their experience in volunteer work and running a household if it is relevant.**

#### *(d) Use of Women's Skills and Abilities*

423. Although the Public Service is gradually making greater use of women, it is not yet taking full advantage of their skills and abilities. In 1965, the Royal Commission on Government Organization noted this:<sup>99</sup> "The government as an employer has, on the whole, discriminated against women less

<sup>97</sup> *Ibid.* Archibald. p. 87.

<sup>98</sup> *Ibid.* Archibald. Appendix B., p. 179.

<sup>99</sup> The Royal Commission on Government Organization. *Report*. Vol. 1, Ottawa, Queen's Printer, 1965, p. 379.

than have most employers in commerce and industry. On the other hand, it would be to its advantage were it to make more effective use of the talents and qualifications of women because of the wide range of employment opportunities which are suited for women . . .” We believe that means must be found to move women with potential out of the traditionally female occupations and professions and into the stream that leads to senior levels. Therefore, we recommend that the federal Public Service Commission and federal government departments (a) introduce programmes that will ensure the consideration of secretaries for administrative positions, and (b) open up intermediate and senior administrative positions to women in traditionally female professions.

424. If women are to be fully used, they will have to be fully trained. As a route to senior positions, the administrative trainee class is one of the key entrance classes in the Public Service. The class is open to university graduates and to students in their graduating year and recruitment is carried out annually on university campuses. The purpose of the programme is to find people who can learn to take over senior managerial and executive responsibility as quickly as possible. Successful applicants are given positions in departments and enrolled in a two-year development programme.

425. We were told that some departments are unwilling to accept women administrative trainees and so we examined the opportunities that women have had in the last three years to be appointed to this class. If departments have reservations about accepting women, the statistical information on the recruitment and appointment of women and men does not reveal it. We found no evidence of discriminatory treatment in selection or placement.

426. Nonetheless, if the feeling persists that departments look to the administrative trainee programme to produce senior personnel who are male and not female, it can discourage women applicants. And, if indeed departments do view only the men as potential senior employees, this view will doubtless be reflected in the kind of training assignments given to women.

427. Since the administrative trainee programme is an excellent way of bringing into the Public Service women with the potential to move up to senior positions, we believe the Service should go out of its way to attract more women applicants. This could be done by special recruitment literature to inform women that the government welcomes women applicants, by recruitment teams actively seeking interviews with women students, and by informing University Placement Offices of the government's objective to attract more women to the Service. We also think that departments should make it clear to those involved in the training of women administrative trainees that they are to receive the same kind of training assignments and

opportunities as the men. Therefore, **we recommend that (a) a special effort be made to attract more women applicants for administrative trainee positions in the federal Public Service, and (b) federal government departments ensure that women administrative trainees are given the kind of training assignments that will prepare them for advancement to the senior levels.**

428. We are concerned that only a small proportion of women employees are being trained for management. Some courses are open only to employees below a specified age and earning more than a specified salary. Since women have less opportunity to advance than men, we believe these requirements may be eliminating women with qualifications and potential comparable to those of some men who can take the courses. We understand that these requirements have been occasionally waived to admit a few women; we think the situation of women warrants greater use of this special measure. Therefore, **we recommend that action be taken to increase greatly the enrolment of promising women in federal Public Service management courses, including the step of waiving salary floors and age ceilings where necessary in their case.**

429. To ensure that the Public Service makes the best use of available talent, the Public Service Commission recently introduced the Career Assignment Program (CAP). The programme is primarily for Public Service employees but some people from outside the Public Service are admitted.

430. Officers chosen for their proficiency first attend an "in-residence" management course and are then given a variety of job assignments designed to broaden their experience and test their capability for senior executive positions. The programme will be expanded to provide more experience in private business, international agencies and other levels of government in Canada.

431. Although CAP is designed primarily for officers in the 30 to 40 age group, priority was first given to more senior personnel. In the first year most participants were over 40 years of age with the range from 31 to 56 years. In each subsequent course the average age dropped until by the fourth course it was 39 years.

432. The relationship between age and level of responsibility remains part of the selection criteria for 1970. Although the maximum age remains 50, the average age of participants is expected to fall as preference is given to those in the 30 to 40 age group. The present age and salary criteria for admission are as follows:

<i>Age</i>	<i>Salary</i>
46-50 years .....	\$19,000 minimum
41-45 years .....	17,000 minimum
36-40 years .....	14,250 minimum
35 years or under .....	13,000 minimum



433. It is expected that slightly more than 100 officers will take the full programme each year. The responsibility for finding and choosing candidates rests with the departments. The Career Assignment Office of the Public Service Commission is responsible only for ensuring that the mix of those selected reflects a fair distribution between departments and a balance of occupations and ages. It has not been found necessary to impose any departmental or occupational quotas.

434. Only two women had participated in CAP by the end of March 31, 1970 and only one had been chosen for the full programme starting in April 1970. We believe it essential that a substantial number of women enter this programme. As we understand it, the programme is a source of future executives. Women are finding it difficult to reach senior levels now; if they are not well represented in the programme their opportunities will be further reduced. We believe that women's position will not improve until they get a chance to show that they can handle senior responsibilities. The Career Assignment Program can give them this chance.

435. If many women are to participate, the age and salary criteria for admission to the programme may have to be relaxed. We do not think this will necessarily lower the calibre of participants. Women have not progressed at the same rate as men. It is therefore likely that some older women at lower salaries may have the same potential as men who meet the present criteria of age and salary level.

436. In time, with adoption of the recommendations we have made in this Chapter, no special measures for women should be needed to ensure their participation in the Career Assignment Program. If all departments genuinely try to make full use of their women employees, special measures will not be needed now. We regret the necessity to promote women's opportunities by means of special safeguards. At present, however, it seems to us essential that these opportunities should be protected by setting a minimum female enrolment in each CAP course. Therefore, **we recommend that, for the next 10 years, the number of women enrolled in each course in the Career Assignment Program of the federal Public Service be no less than 10 per cent of the total number of people enrolled in the course.**

437. We examined the use made by the Public Service of the skill and training of housewives who want part-time or evening and night work. Although many part-time workers were used during World War II, we found that few women today are regularly working part-time. In office and administrative support classes, women may be appointed for short periods to re-



place absent employees or to handle an overload of work, but these women usually work full days. A few officers are occasionally called in for short periods of work.

438. Recently the Public Service Commission showed leadership by recruiting housewives for part-time work in professions short of workers. Jobs were first offered to librarians, economists and statisticians, then to professions in the Administrative and Foreign Service category and in the Scientific and Technical category. Although not many people were hired, the programme provided a chance to see whether the idea of giving more part-time work to housewives was practical. Hours of work and vacation leave were geared to home responsibilities. Normal fringe benefits were given on a *pro rata* basis.

439. Ottawa gives housewives an unusual opportunity to work for a few months every year. The Taxation Data Centre annually employs large numbers of workers for periods of at least four months, usually beginning about March. In 1969, 600 clerks were hired to work full days and 225 clerks to work three and one-half hours every evening. About 400 full-day typists and 500 evening typists were trained and then employed as keypunch operators. A large number of experienced operators and some supervisors were also appointed. Pay ranged from \$246 a month to \$440 a month and employees received vacation pay when the work was finished.

440. Most members of this seasonal staff are housewives who look forward to the chance to earn extra money and to join the work force for a short time. The work comes at a good time of the year for women with children at school and it is long enough to give housewives a change from their home activities. While the turnover rate is high, many return year after year. Others take advantage of the training and take full-time jobs in the Public Service or elsewhere.

441. We believe that the federal Public Service should explore the greater use of part-time employees. Apart from its advantages for the women who are hired, the government may well find it solves the problem of obtaining satisfactory employees in shortage areas. Part-time work can also help to keep married womens' skills and experience from being outdated when the women are free to work full-time.

442. Where part-time workers are employed, we believe that their employment conditions should be comparable to those of the full-time worker. We have noted that, under the Public Service Terms and Conditions of Employment Regulations, part-time employees are not granted the pay increases provided for in most positions. Therefore, **we recommend that (a) the federal Public Service Terms and Conditions of Employment Regulations**

be amended so that part-time employees will receive pay increases on the same basis as full-time employees, and (b) collective agreements for the federal Public Service contain this provision.

443. Before leaving our assessment of the position of women in the Public Service, we have a final point to make. Over a hundred-year span, the federal government has yet to appoint a female Deputy Minister of a department. This must mean one of two things: either there have been no women as well qualified as the men appointed to this office or women have not been considered. We cannot say which reason is true. We leave this to the government of the day to answer.

444. We would also like to point out that there are no women who are Assistant Deputy Ministers of departments. Although these positions are filled under the Public Service Employment Act, they are sometimes a stepping stone to Deputy Minister appointments. We think it regrettable that women are not gaining experience as Assistant Deputy Ministers.

#### *Crown Corporations and Agencies*

445. Many employees of the Government of Canada are not in the Public Service. Of some 380,000 employees in the Federal Service, approximately 138,000 are in Crown Corporations and agencies. These organizations employ more than one-third of the male employees in the Federal Service but less than one-fourth of the female employees. Women, about 15,000 in number, represent only 11 per cent of the total strength of Crown Corporations and agencies.

446. Federal Crown Corporations and agencies carry out a wide variety of functions and usually operate independently of a government department. They range in size from such giants as the Canadian National Railways with thousands of employees to very small organizations such as the Canada Deposit Insurance Corporation with only three employees.

447. Although they differ in many ways, these organizations have one thing in common: they are not subject to the legislation dealing with appointment and terms and conditions of employment for the Public Service. Thus, their personnel laws, policies and practices can differ from the Public Service and vary from one corporation or agency to another. For this reason the position of women in the Federal Service cannot be assessed on the basis of the Public Service alone. However, because there are well over 50 federal Crown Corporations and agencies which vary in their policies and practices, we have had to restrict our examination to only a few.

448. Because of their size and comparability with private enterprise, Air Canada, the Canadian Broadcasting Corporation and the Canadian National Railways, three of the largest Crown Corporations, were included in the study on the status of women in 36 organizations. In another study conducted for us, the position of women was examined in four other reasonably large and representative Corporations and agencies—the Central Mortgage and Housing Corporation, the Defence Research Board, the National Film Board and the National Research Council. It also included an examination of women in the Bank of Canada, a Crown Corporation with status somewhat different from that of the other Corporations. In all, it covered approximately 7,600 male employees and 3,000 female employees. In this section we deal only with the study of these five Crown Corporations and agencies.

449. The collection of data for this study posed certain problems. Corporations and agencies, operating as they do under different legislative authorities, do not necessarily compile the same personnel data or keep records in the same way. Nonetheless, by gathering extra information from discussions with personnel managers and interviews with women and men in senior and intermediate positions, we were able to get a fairly clear picture of the position of women.

450. The government's policy to grant "equal pay for equal work" extends to Crown Corporations and agencies but not all of them are subject to the federal Female Employees Equal Pay Act. Our study found no separate wage scales for women and men. Some of the women and men interviewed, however, expressed the view that the higher pay authorized for exceptional performance is sometimes being used to discriminate between the sexes.

451. Women employed in Crown Corporations and agencies, as in most other places, earn less than men. In the study, 80 per cent of the women and 22 per cent of the men earned less than \$6,000 yearly. Only 2.6 per cent of the women earned \$10,000 or more, compared to 29.4 per cent of the men. And only one-half of one per cent of the women earned \$14,000 or more, compared to 15.9 per cent of the men.

452. As usual, occupational segregation seems to be a major factor in this difference in salaries. In the organizations surveyed, more than four-fifths of the women were in administrative support occupations. They comprised 76 per cent of all employees in these lower-paying occupations. They held only 15 per cent of the administrative positions and six per cent of the professional positions. In the creative field they occupied 18 per cent of the positions, but this figure represented only one per cent of the total number of women.

453. This difference in pay can partly be accounted for by the fact that proportionately fewer women than men reach the higher levels. Although all the organizations in the study disclaimed any official policy restricting the level women can reach, it was clear that the attitudes of some people in these organizations were effectively excluding women from managerial, professional and creative positions. Of the senior and intermediate employees interviewed, 71 per cent of the women and 41 per cent of the men said that they were aware of prejudice or discrimination against women. Only one woman was in a position to influence policy. In general, the women interviewed in all five organizations felt there was a tacit understanding by the management that there should be no women on management teams.

454. The usual reasons were given for not promoting women: lack of educational qualifications, lack of mobility, high absentee rates and high turnover rates. Although we strongly object to the use of purported group characteristics in assessing the potential of individuals, we did examine women's records in these four areas.

455. In the Corporations and agencies surveyed, we found that the educational levels of women and men were very similar to those found in the labour force in general: 58 per cent of the women, and only 29 per cent of the men, were high school graduates. At the post-secondary school and bachelor degree levels there were proportionately about half as many women as men. Only two per cent of the women had a higher degree than a bachelor degree compared to 15 per cent of the men. This is particularly significant in a work force that includes two scientific research organizations. We suggest that these organizations could make significantly better use of women's ability by actively seeking out women employees in scientific fields and subsidizing them in courses leading to a postgraduate degree. Therefore, **we recommend that federal Crown Corporations and agencies (a) ensure that women scientists and technologists receive equal consideration with men for appointment, and (b) make a special effort to give graduate women employees a chance to take post-graduate degrees.**

456. We found no reliable data on the relative willingness of women and men to be transferred to other localities. Of the senior and intermediate men and women interviewed in the study, 58 per cent of the men and 76 per cent of the women had never been transferred. This indicates that mobility is not always a factor in selection for advancement.

457. Not all organizations were able to supply absentee and turnover rates. For those supplying data, women on the average were absent two and one-half days a year more than men. Information on turnover rates



was available only from some organizations and covering only short periods. Women's rates were reported as higher than men's but, except in one organization, the differences were small.

458. It is apparent, then, that the position of women in Crown Corporations and agencies is no better than elsewhere in the Federal Service. It can be improved by definite and realistic efforts to combat occupational segregation by sex. In the earlier part of this Chapter, we have elaborated on the adverse effects of occupational segregation and have proposed ways to eliminate it. And we have also pointed out the need for short-term compensatory measures. Therefore, **we recommend that federal Crown Corporations and agencies (a) develop transfer and promotion measures that will encourage women to move out of the traditionally female occupations into other occupations, and (b) emphasize in recruitment programmes that all occupations are open equally to women and men.**

459. Occupational segregation is only part of the problem. Because women are not reaching senior levels, organizations are losing the skills and abilities some women could contribute. Therefore, **we recommend that each federal Crown Corporation and agency devise a long-term plan for the better use of womanpower within its organization.**

460. Training is an important way of ensuring that the potential of employees is realized. We found that women were given much less training than men. In two organizations with men and women employees roughly in the ratio of two to one, training was given approximately eight times as often to men as to women. We are convinced that women have greater potential than these figures seem to indicate. Therefore, **we recommend that, where the size of staff warrants it, federal Crown Corporations and agencies appoint one or more qualified people whose primary duty for the next five to eight years will be to provide for the training and development of women in their organizations.**

461. In some of the organizations studied, fairly extensive rotational programmes between field and head offices are part of management training. Some administrators apparently hesitate to include women in these programmes. Therefore, **we recommend that federal Crown Corporations and agencies with rotational programmes between field and head offices ensure that women are considered for rotation on the same basis as men and are not judged in advance on their freedom to rotate.**

462. We found evidence that women are not generally involved in decisions on promotions to senior positions. Selection committees for intermediate and senior positions are usually composed entirely of men; recruiting teams sent

to university campuses rarely, if ever, include a woman. Therefore, **we recommend that federal Crown Corporations and agencies (a) review their selection procedures to ensure that women are used in recruitment and selection programmes, and (b) have senior women officers on their personnel administration staffs.**

463. Most of the organizations studied have maternity leave provisions identical or similar to those of the Public Service. At least one collective agreement provides for maximum leave of four months instead of the eight months provided for in the Public Service. One organization gives maternity leave on an *ad hoc* basis. In no case is leave with pay provided. Earlier in this Chapter we have recommended that the Fair Employment Practices Act be amended to include entitlement to maternity leave and that the Act be applicable to all employees of the government Service. We also have recommended the application of the Unemployment Insurance Act to women during maternity leave and to employees of the Government of Canada. Adoption of these recommendations will entitle women in Crown Corporations and agencies to maternity leave and, during the leave, to unemployment insurance benefits that they may have earned.

464. Some of the organizations studied are under the Public Service Superannuation Act while others have separate plans. We found that separate plans contain the same kind of differential treatment of women and men that exists in the Public Service Superannuation Act.

465. Substantial differences were found in insurance plans of some Corporations and agencies. In one, a married or single man is covered for a base rate of \$3,000 plus an additional \$3,000 for every \$1,000 of his yearly salary. If he earns \$10,000 a year, for example, he is covered for \$33,000. A woman, on the other hand, is covered for a base rate of \$3,000 plus an additional \$2,000 for each \$1,000 of her yearly salary. With a yearly salary of \$10,000, she is covered for only \$23,000.

466. In another Crown Corporation with a group life insurance plan, for single men and women and for married women with no dependants the coverage is the equivalent of one year's salary up to a maximum of \$20,000. For a married man or a once-married woman with dependants, the coverage is the equivalent of two year's salary up to a maximum of \$40,000. A number of single women have requested coverage for their dependants. So far this has not been granted. Therefore, **we recommend that different provisions on the basis of sex be eliminated from superannuation and insurance plans for federal Crown Corporations and agencies.**

467. Adoption of our proposals will be a step toward improving the position of women in Crown Corporations and agencies. But we believe that the Government and these organizations themselves must let it be publicly known that they are committed to giving women equal opportunity to get jobs, to be fairly paid and to use their skills and abilities fully. Therefore, we recommend that federal Crown Corporations and agencies (a) make clear to educational institutions, and to the public, that career opportunities within their organizations are open to women and that they are encouraging women to prepare themselves for such careers; and (b) require each private organization with which they do business to include in each contract, a clause that prohibits discrimination in employment on the basis of sex.

*Staff of the Senate and the House of Commons*

468. The Parliament buildings at Ottawa are the centre of activity for another class of federal employee. A study conducted on our behalf reported that in 1969, 1,291 workers provided services for Members of the Senate and the House of Commons.

469. These included 223 Senate employees under the supervision of the Clerk of the Senate, and 1,068 House of Commons employees under the supervision of the Clerk of the House of Commons. The Senate and the House of Commons determine personnel policies for their respective staffs; they tend to follow policies established for the federal Public Service. Certain services common to both the Senate and the House of Commons, such as the health units, the restaurants, and the distribution of documents, come under the administrative control of the House of Commons. The Speaker of the Senate and the Speaker of the House of Commons are jointly responsible for the Library of Parliament. The Library was not included in our study.

470. Of the 1,291 employees on the two staffs, 657 were women and 634 were men. These figures are misleading; only 249 of the women were full-time employees, but 517 of the men worked full-time. There were 170 women who worked part-time the year round and 233 women who worked only during parliamentary sessions. There were no male part-time workers and only 96 men were employed for sessions. The few remaining employees were employed casually or under contract.

471. The age distribution of women on the staffs of the Senate and the House of Commons differs from the age distribution of women elsewhere in the Federal Service and women in the labour force in general. The percentage of women in each age group, following more closely the pattern of men, appears to increase up to age group 45-54.



472. Here, as everywhere else in the Federal Service, women earn less than men. On the whole, however, the gap is much smaller because proportionately more women and fewer men are in the higher wage brackets here than in the rest of the Federal Service. In 1969, 14.2 per cent of the women earned \$10,000 or more as compared to 23.5 per cent of the men. But the men were well ahead of the women in the top pay brackets. Slightly more than four per cent of the men and less than one-half of one per cent of the women earned \$14,000 or more.

473. Men predominated in administration and women in administrative support. Almost one-third of the staffs were in operational occupations; although men predominated here too, 25.2 per cent of the women employees were in this kind of work. Except in the Library of Parliament, which was not included in our study, there were virtually no professional workers.

474. Women are never appointed as messengers or as protective staff. The physical demands of the work are given as the reason for ruling out women in these fields. A further differential practice appears to discriminate against women in the cleaning service. Charwomen are appointed only part-time and at an hourly rate. Men cleaners, on the other hand, work full-time and are paid an annual rate. We believe these sex barriers to employment should be eliminated. Therefore, **we recommend that sex-typing of the occupations of employees working in the Senate and House of Commons be discontinued.**

475. Although we found no formal barriers to the promotion of women, it is apparent that women have not been appointed to senior positions. Therefore, **we recommend that the Clerks of the Senate and the House of Commons devise a long-term plan for better use of womanpower and for opening senior positions to women as well as to men.**

476. Since benefits and terms of employment are generally the same as those found in the Public Service, the few differences for men and women in the Public Service also exist for the staffs of the Senate and the House of Commons. They are covered by the Public Service Superannuation Act and amendment of that Act, as we have recommended, will remove inequitable treatment for women working in the Senate and the House of Commons as well as for women in the Public Service. The same maternity leave is provided as in the Public Service and our recommendations for the Public Service should also benefit employees of the Senate and the House of Commons.

477. Finally, we must again emphasize our concern over the lack of any legal requirement for equal pay for equal work or any legal prohibition of



discrimination in employment on the basis of sex. We reiterate our conviction that the federal government should set for itself the same requirements that it expects from others. The legislative changes we have recommended would provide such protection for women employees in the Senate and the House of Commons.

### *The Royal Canadian Mounted Police*

478. The federal government also employs women in the Royal Canadian Mounted Police. Although uniformed women are now common in municipal police forces, the uniformed service of the Royal Canadian Mounted Police has remained strictly a male preserve. The Force does, however, employ hundreds of women in a variety of civilian occupations. Most of these women, and some men, are appointed under the Public Service Employment Act and they have been included in the portion of this report covering Public Service Employees.

479. But there are other employees who, although not in uniform, are still part of the organization. Like the uniformed members, they are hired and promoted by the Force itself, are governed by the Royal Canadian Mounted Police Act and contribute to the pension plan of the Force. Unlike the uniformed members, they are not "peace officers". They do not carry out the same duties, are not subject to identical disciplinary measures and are not paid under the same scale. Of these 1,000 "civilian members", 100 were women in 1969.

480. Seven of these women were employed as messing officers, supervising food services at Headquarters and at Divisions across the country. No men worked in this capacity. Eleven women worked as translators in different parts of the country. The remaining 82 women were employed in the National Police Services Directorate where many worked as scientists or technicians in the Crime Detection Laboratories or as fingerprint technicians in the Identification Branch.

481. The same pay scales apply to civilian women and men performing the same work and we found no evidence that the opportunities of women for advancement are more limited than those of men. Except for the pension plan, conditions of employment of women and men civilian members are the same. Like most other women in the Federal Service, women contribute at a lower rate to the pension plan. Their dependent children receive the same benefits as the children of men civilian members. But, while they receive a pension on the same basis as men, their husbands receive no pension when

they die. We believe that sex differences in pension plans should be eliminated. Therefore, **we recommend that the Royal Canadian Mounted Police Superannuation Act be amended so that its provisions will be the same for both female and male contributors.**

482. There are no restrictions against the employment of married women. One condition operates in the married woman's favour. If she chooses she is almost invariably allowed to leave before her term of employment is up without payment of the sum usually required from others who do not complete their terms.

483. Maternity leave is less favourable than that provided in the Public Service. Only three months' leave is given. Adoption of our recommendations for inclusion of minimum maternity leave provisions in the Fair Employment Practices Act and for the application of this Act to the entire federal Government Service would ensure maternity leave protection for these women. However, since there are Public Service employees in the Royal Canadian Mounted Police who are entitled to more generous maternity leave provisions, we believe the Force should offer its other women employees the same leave as is provided for in the Public Service Terms and Conditions of Employment Regulations.

484. Finally, we believe enlistment in the Royal Canadian Mounted Police should be open to women. Briefs we received protested because women who have been apprehended are sometimes searched by male police officers or constables. Although we understand that the Royal Canadian Mounted Police has women on call for this purpose, we think the larger centres should use women police officers. More important, we are convinced that enlisted women could make a special contribution, particularly in the North, in other aspects of police work. Certainly many municipalities have found it advantageous to have women on their police forces. Therefore, **we recommend that enlistment in the Royal Canadian Mounted Police be open to women.**

### *The Canadian Forces*

485. Canada today has some 1,600 women in its Armed Forces, approximately 1.6 per cent of the total strength. At the end of January 1969, there were 1,082 women in other ranks and 529 women officers. About 400 of the officers were nurses.

486. As Table 12 shows, women are employed in a relatively small number of trades, most of them in the administrative, technical, and paramedical fields. Several reasons are given for the restriction of women to this somewhat narrow scope. It has been found uneconomical to train women for trades

requiring long and expensive training because they have a shorter average length of service than men. Many of the trades open only to men are in the combat arms or at sea, where women are not allowed to serve. Finally, women must be placed in trades which are common enough that groups of at least 35 would be stationed at each base. This is the minimum number that justifies the expense of providing special quarters, facilities and supervision. Nursing Assistant, the female equivalent of the male Medical Assistant, is the only trade open only to women.

487. The pay scale for women and men is now the same but, as Table 12 indicates, most women are working in trades in the lower pay fields. Because the more highly paid trades usually require long training periods, women are seldom enrolled.

Table 12. Distribution of Women by Trade in the Canadian Forces, 1969

Category of Trades	Trade	Pay Field*
Trades which women can enter after basic training	Dental Assistant.....	3
	Nursing Assistant.....	4
	Administrative Clerk.....	3
	Accounting and Finance Clerk.....	3
	Supply Technician.....	4
	Radar Plotter.....	4, 7**
	Teletype Operator.....	4
Trades which women can enter after satisfactory service in a basic trade	Operating Room Assistant.....	5
	Communications Operator.....	5
	X-Ray Technician.....	5
	Physical Education and Recreation Instructor.....	3
Trades for which women are no longer recruited, but in which some are still serving	Radar Operator (39)***.....	4
	Meteorological Technician (7).....	4
	Safety Systems Technician (5).....	6
	Photo Technician (3).....	5
	Avionics Technician (1).....	7
	Refinishing Technician (1).....	4

\*The trade determines the pay field. There are five pay fields, numbered 3 to 7, for non-officer ranks. Pay field 3 carries the lowest pay rate, and pay field 7 the highest.

\*\*The pay field is higher for sergeants and above.

\*\*\*The numbers in the brackets represent the numbers of women remaining in the various trades.

SOURCE: Information supplied by Canadian Forces Headquarters, Ottawa, March 1969.

488. It is apparent that restrictions on the number of trades open to women generally reflect the concept of women as a group rather than as individuals. Some women do remain in the Service longer than men and some women are already in the trades now closed to women. Enlistment in a trade generally means that training will be given in that trade and we consider that women should have the same opportunity as men to have the scientific and technological training that the Armed Forces provide. We also propose that all trades be open to women because we believe that women who have volunteered should be ready to undertake all the duties and responsibilities that membership in the Armed Forces entails. Therefore, **we recommend that all trades in the Canadian Forces be open to women.**

489. Women have less opportunity to enter the Armed Forces than men because they are generally required to have higher qualifications. A woman must be 18 years old and have Grade 10 standing. A man need be only 17, with Grade 8 standing. Because there are more women applicants than can be accepted, the higher standards serve as a screening device. Married women are not allowed to enter the Forces because they are considered less free to move to new postings.

490. We believe that the exclusion of married women is unjustified discrimination. We recognize that mobility is important in the Service but consider that the married woman should be allowed to decide for herself whether or not she can accept enlistment under this condition. Therefore, **we recommend that the prohibition on the enlistment of married women in the Canadian Forces be eliminated.**

491. Women's opportunity to advance in the Forces is difficult to assess. Statistics on levels reached are influenced by the fact that the average length of service for women is only two and one-half years. Of the 1,600 women in uniform, it has been estimated that only about 450 have more than 10 years' service.

492. Table 13 shows the distribution by rank of women and of the Forces as a whole. Whereas there are almost twice as many Corporals as Privates in the total Forces, among service women the reverse is true: there are twice as many Privates as Corporals. This is probably due to the short average length of women's service. A woman who left the Forces after two or three years would have just reached the top pay level for a Private. Among the officers, there is a disproportionate number of women Lieutenants. Since promotion to Captain is virtually automatic with the passage of time, this also is probably because many women officers leave the service before they have served the number of years normally required for promotion to Captain.



Table 13. Distribution by Rank of Women and of the Forces as a Whole, Canada, 1969

Rank	Number of Women	Total Number in the Forces
Colonel and above.....	—	456
Lieutenant-Colonel.....	2	950
Major.....	29	3,000
Captain.....	238	6,969
Lieutenant.....	247	2,800
Second Lieutenant.....	13	231
<b>SUB-TOTAL (Officers).....</b>	<b>529</b>	<b>14,406</b>
Warrant Officer 1.....	—	1,035
Warrant Officer 2.....	1	2,600
Warrant Officer 3.....	8	4,900
Sergeant.....	32	11,000
Corporal.....	282	36,000
Private.....	759	20,000
<b>TOTAL.....</b>	<b>1,611</b>	<b>89,941</b>

SOURCE: Information supplied by Canadian Forces Headquarters, Ottawa, March 1969.

493. Women and men have the same chance of being considered for promotion. Women write the same qualifying examinations, compete for many of the same positions, and go before the same promotion boards as men. In recent years, women have been admitted to the Staff School and, even more important, to the Staff College, the gateway to senior positions.

494. The conditions of employment for men and women differ in a number of ways. Women are required to enlist for an initial engagement of only three years as compared to five years for men. We believe the length of the initial engagement should be the same for women and men. Therefore, **we recommend that the length of the initial engagement for which personnel are required to enlist in the Canadian Forces be the same for women and men.**

495. If a woman marries she is generally allowed to remain in the Forces but she is not retained if she has a child. An unmarried mother is also released but she may be permitted to re-enlist. We believe that women with children should not be required to leave the Armed Forces unless family responsibilities make them unable to work satisfactorily. Therefore, **we recommend that release of a woman from the Canadian Forces because she has a child be prohibited.**

496. Because of this policy to release women with children, there is no provision for maternity leave. But, because there are women in the Armed Forces, we believe that the Armed Forces, like every other organization, should provide maternity leave. Our proposals for inclusion of maternity leave provisions in the Fair Employment Practices Act and its application to all segments of the Government of Canada would provide maternity leave for these women.

497. Until recently, women members of the Armed Forces contributed the same proportion of their pay to the pension plan as men. However, a recent amendment to the Canadian Forces Superannuation Act provides that women's rate of payment to the Plan be reduced from 6.5 per cent to five per cent in line with the provisions for women in the Public Service. Like most pension plans for the Government Service, this plan has some discriminatory features. Therefore, **we recommend that the Canadian Forces Superannuation Act be amended so that its provisions will be the same for male and female contributors.**

#### *Summary (Government of Canada)*

498. This, then, is the position of women in the Government of Canada. On the whole, the treatment of women seems to be more equitable than in many other organizations. Women and men have the same wage scales and, except for superannuation plans and some insurance plans in Crown Corporations and agencies, the same benefits and terms of employment. The merit system within the Public Service prohibits the restriction of positions to one sex without an irrefutable reason. In most areas of government maternity leave is an entitlement and allows a generous length of absence. In fields in which labour is scarce, some arrangements have been made to employ women part-time or to set more flexible hours for them. In its personnel laws and policies, then, the government can hardly be accused of failing to observe its commitments to the rights of women, except perhaps in relation to paid maternity leave, superannuation protection and some insurance plans.

499. Nonetheless, we found evidence that women do not have equal opportunity to enter and advance in Government Service, and that their skills and abilities are not being fully used there. Attitudes and practices seem to be at fault. As elsewhere, occupational segregation by sex is being perpetuated. Proportionally fewer women than men are being trained to the full extent of their potential, or being promoted to senior levels. Finally,

superannuation plans provide no protection for a widower of a female contributor and thus fail to recognize that the working wife usually shares her family's financial responsibilities.

500. Like other employers, the government can take action to eradicate these inequities. We have made a number of recommendations. But we believe that the government has a further responsibility, a responsibility of a very special kind. It should demonstrate that Canada's commitments to working women can be put into practice, and show other employers how to do this. We think the government can take some important steps that will provide this example as well as improve the position of women in the Government Service.

501. The government should make it known that it is fully committed to equality of employment opportunity for women and to the greater use of womanpower. It should also indicate that it is prepared to take special short-term measures giving women special treatment when it considers this essential to achieve its objectives. Therefore, **we recommend that (a) the federal government issue a policy statement to the Ministers of all federal government departments, the heads of Crown Corporations and agencies, and the Speakers of the Senate and the House of Commons, expressing its intention to**

**(i) ensure equality of opportunity in employment for women and the greater use of womanpower, and**

**(ii) undertake short-term special measures where these are necessary to achieve its objectives; and**

**(b) an information programme be undertaken so that management and supervisors at all levels in the Government of Canada be made aware of the government's policy regarding its employment of women.**

502. But policy statements and dissemination of information will not be enough. We are convinced that the government as an employer must create a special programme to promote equality of opportunity for women with men and the greater use of womanpower within the federal Government Service. The government has used this method to carry out its plan for bilingualism in the Public Service.

503. Since responsibility for recruitment and for personnel administration in the Government of Canada is prescribed by law, a Women's Programme would have limited means to enforce action to improve the position of women. But such a programme could, we believe, have a strong impact by providing advisory services and developing ways of accomplishing the government's objectives. It would, for example, examine the training women

receive and propose ways to extend it; it would also find means to ensure that competent women are not overlooked when staff are rotated and promoted.

504. This Women's Programme should be closely related to the organization concerned with over-all short and long-term planning. Advisory organizations are at a disadvantage because they have limited power for action. This can to some extent be counteracted by the level of support directly behind the organization and the importance given to its functions by the government. The Women's Programme will need as much support as possible because its work will concern a substantial portion of the Government Service and because it will undoubtedly encounter some hostility and indifference to its objectives. It will also have the difficult task of working in an area where many who believe in the objectives fail to realize they are not putting them into practice. Recognizing these handicaps, we think the best way to make sure that the organization is effective is to establish it as a secretariat of the Privy Council Office.

505. For the programme to have a full effect, each government organization will need at least one employee to maintain liaison with the secretariat and to promote its objectives within the organization. This employee should be senior enough to report to those directly responsible for establishing practices for the organization.

506. The government, Parliament and the public must be kept informed of progress toward attaining the government's objectives for women in the Government Service. Government organizations should be required to make periodic reports to the secretariat and an annual report for the Government Service should be tabled in Parliament. Therefore, we recommend that (a) a Women's Programme Secretariat be established in the Privy Council Office for promoting a programme for equality of opportunity for women in the federal Government Service and the greater use of their skills and abilities; (b) a Women's Programme Co-ordinator be appointed to each federal government department, Crown Corporation and agency, to the Royal Canadian Mounted Police, the Canadian Forces, and to the staff of the Senate and the House of Commons to promote within the organization the objectives of the Women's Programme and to maintain liaison with the Secretariat; (c) the federal government organizations referred to above be required to give periodic progress reports to the Women's Programme Secretariat of objectives undertaken; and (d) an annual report be tabled in Parliament on the progress being made in the federal Government Service toward the objectives of the Women's Programme.



## Other Sectors of the Economy

### *Women in Chartered Banks*

507. Since banks employ a large number of women, the Commission sponsored a study of employment opportunities and practices in banks. Of the 83,929 persons employed in the eight banks surveyed, 56,208 or two-thirds were women. They worked in head offices and in more than 5,900 branch offices dispersed throughout the country.

508. The study revealed that 89.7 per cent of all women earned less than \$5,000 yearly in occupations such as teller, ledger-keeper, typist and other routine office jobs, while 72.3 per cent of all men earned more than \$5,000. The over-all statistical picture suggests that the \$5,000 mark represents a threshold into career officer jobs, including positions in bank management and specialist bank occupations.

509. At the time of the study there were 29 women bank managers and 709 women accountants, the title used for the position of office manager in most banks.<sup>100</sup> Since there are nearly 6,000 branches, the number of women in these positions is not impressive. The position of accountant is an intermediate position in which women are generally considered to perform very well. In specialist occupations the best opportunities for women appear to be in the personal loan field, in economic research, investment analysis, computer systems and electronic data processing.

510. The banks reported a variety of training programmes designed to improve the knowledge and skills of employees or to prepare young bank officers for management. Career development is primarily oriented to male employees. Although the demand for university graduates is increasing, the principal source of young recruits for banking is still the high school. Male high school graduates are trained for a career in bank management or specialized occupations of equivalent rank. Female high school graduates are usually predestined for dead-end support functions. Female university or community college graduates (in Quebec CEGEP graduates) are slated for certain types of work in research, investment analysis, and computer programming. Women sometimes become management trainees but in most banks this takes the special effort and initiative of an interested woman and the support of her manager. At the time of the study the banks employed several thousand male trainees but only 128 female trainees in seven banks reporting on this phase of training.

<sup>100</sup> The first appointment of a woman bank manager was made in 1961.

511. The relative immobility of many married women apparently limits the advancement of women to higher positions. Wide experience, often best acquired through successive postings in different economic environments, certainly helps the development of a bank employee. For some executive positions in banks, however, the most useful training is in head or regional offices. Moreover, the largest concentration of bank branches is found in large urban areas. It is therefore difficult to understand why, in positions above the rank of branch manager or equivalent, the study found only one woman compared to 326 men.

512. The findings of the study indicate that the position of women in banks is similar to their position elsewhere. Although management seems readier to accept women in more senior positions than in the past, women are still far from enjoying equal opportunity and full use of their capabilities.

513. Since the scope of banking activities is expanding and widening, women should have better prospects than ever before. They should reasonably expect that a career in banking will allow them to realize their potential. Before this will happen, we believe certain positive steps must be taken. The federal Female Employees Equal Pay Act and the Fair Employment Practices Act are applicable to Chartered Banks and so our proposals for changes in these Acts will apply to women employees in banks. Mandatory maternity leave will be provided, for example, and equality of opportunity prescribed under the law. Beyond this we believe banks themselves should introduce certain reforms. Therefore, **we recommend that Chartered Banks** (a) make it known that they intend to give women equality of opportunity; (b) eliminate the practice, where it exists, of requiring a longer attachment period for women than for men before promotion to management; (c) ensure that they have a record of women qualified for promotion to be considered as vacancies occur; (d) provide more opportunities for women to participate in both in-service and outside training programmes with the objective of their constituting at least 25 per cent of those trained by 1975; and (e) encourage their women employees to improve their knowledge and capabilities through management training courses and educational courses, such as those of the Institute of Canadian Bankers, in reasonable expectation that successful completion of these courses will lead to opportunities for promotion.

#### *Women in Department Stores*

514. Long before women had established a place for themselves in offices, they were firmly ensconced in retail stores. Stores continue to be an important source of employment for women who have no special training and women

seeking careers in certain aspects of merchandizing. The hours that stores are open and their peak sales periods lend themselves to the employment of fairly large part-time staffs. Of the full-time and part-time employees in department stores, approximately two-thirds are women. Most of the part-time staff are married women.

515. To provide insight into the position of these women, a study of women in department store chains was undertaken for the Commission. In all, 38 stores were covered. All regions of Canada were represented and all major downtown stores in the chains and a number of suburban stores were included. The study covered a total of 22,978 full-time employees and 25,035 part-time employees. The number of women full-time employees exceeded the number of men by some 3,000. The number of women working part-time was almost four times as great as the number of men.

516. It was found that women working full-time or part-time were predominantly employed in the lower-paid sales clerk positions (80 per cent) and as cashiers. On the other hand, 72.5 per cent of the higher paid sales positions were held by men. These were sales positions requiring detailed knowledge of products and considerable skill in salesmanship. Pay for such positions is often salary and commission or straight commission, and the products sold are usually higher priced goods such as furniture and power tools. Women were in the majority in supervisory positions but more than three-quarters of the most senior departmental positions, those of managers and buyers, were held by men. Women's earnings were found to be consistently lower than those of men with the same or even fewer years of service. This was true in non-sales departments as well as sales departments.

517. One interesting aspect of this study was the allocation of work to women and men in sales departments. A distinct pattern prevails from coast to coast. Some features of the pattern are readily understood. A woman expects to be served by another woman when shopping for clothes for herself and her children and a man prefers to buy some of his clothing and footwear, but perhaps not necessarily his shirts, ties and socks, from a male sales person.

518. Other reasons for the division of sales labour are not so clear. Women usually make decisions about home furnishings but furniture, most types of floor covering and major electrical appliances are more often sold by men. Women tend to sell toys, books and housewares. Men sell sporting goods, hardware and automobile accessories. The same division of work does not carry through to the functions of department manager and buyer. Women, for instance, sell piece goods and books but men usually do the managing and the buying of this merchandise.



519. The study explored preferences for a sales person of a particular sex and found that employers, employees and the shopping public all have preferences. Often the preferences reinforce each other and support the traditional aspect of the staffing pattern. There are minor regional variations. Traditional attitudes are most emphasized in the Province of Quebec and least on the West Coast. The notion of "men's jobs" in retailing has implications not only for women's employment opportunities but also for their earning potential. The better-paid sales positions are usually found in departments predominantly staffed by men.

520. Most stores admit to their managerial training programmes some women, but in fewer numbers than men. Equal pay for male and female trainees recruited at the same educational level is by no means the rule, although the male and female differential decreases with increasing educational qualifications. More women are admitted to training programmes in eastern Canada than in western Canada.

521. Promotion opportunities for women appear to be best in large stores in eastern Canada. The study covered approximately the same number of female full-time department store employees in both parts of the country, but the ratio of women in department management positions in western and eastern Canada was found to be one to three. In the whole of Canada the number of men in management and executive positions in 1967 was four and one-half times the number of women in the same occupational categories.

522. Women in department stores, then, do not appear to be faring as well as they should. Although the study revealed no separate rates of pay for women and men, except perhaps at the training level, it showed that senior positions are largely occupied by men. Yet most employees of department stores are women and it seems likely that women who can do senior jobs well can be found. Therefore, **we recommend that department stores (a) ensure that women employees are considered for advancement on an equal basis with men; (b) investigate why, in areas where the staff is predominantly female, it is the practice to fill the senior positions with men; and (c) make a special effort to train more women employees for managerial positions.**

523. We have received the complaint—not in relation to the department store study—that a form of labour exploitation of women is taking place in some retail stores. It is claimed that many part-time workers are employed on a day-to-day basis and that care is taken that they do not work for periods of such a length as to require the employer to provide fringe benefits. In such circumstances, the part-time worker can do nothing to improve her situation. If she lodges a complaint, she may not be called in to work. We have also



been told that some stores prefer to hire part-time workers who are below the age that would make payment of the minimum wage necessary. Therefore, **we recommend that retail stores review their practices to ensure that exploitation of part-time workers does not exist.**

*Production of Goods at Home for Outside Consumption (Homeworkers)*

524. The transition from a rural agrarian society to an urban industrial society has not meant that all women who want to earn money have had to work outside their homes. Today, there are several thousand women in Canada who work at home and on their own time for industry. A number of women are also self-employed at home in the production of handicrafts for sale.

525. People who work at home for industry are called homeworkers. The majority of homeworkers, usually women, are apparently to be found in Quebec and Ontario. Quebec has been, and continues to be, the centre of the garment and needle industry, and this industry is by far the largest user of homeworkers. Principal users include manufacturers of women's dresses and sportswear, children's wear, jewellery, leather goods and artificial flowers. Much of the homework in Ontario, on the other hand, consists of small assembly jobs, packaging, telephoning and direct mail advertising. Although the number of homeworkers appears to be decreasing, in 1969 there were more than 1,000 employed in the glove industry alone. Since Manpower Centres do not recruit or place these workers, information about work opportunities is usually spread by word of mouth.

526. Many homeworkers in Quebec are housewives in rural areas who work in the winter months to supplement family income. City women, including many new Canadians, also help to support their families in this way. The women are usually trained in embroidery and other needlework and are often used for finishing goods.

527. Before the unionization of the garment trades, there was notorious abuse of homeworkers and homework is still considered indefensible by many in Quebec. When it is used as a source of cheap labour, homework can undermine occupational standards within an industry and exploit those homeworkers who have no collective means of demanding appropriate wages and adequate terms and conditions of employment.

528. As protection against exploitation, legislation covering homework has been in effect in Quebec for a number of years. Today, the homeworker is protected by the application of the Collective Agreement Decrees Act of

1964.<sup>101</sup> Under this Act, a collective agreement for any trade, industry, commerce or occupation may be ordered binding on all the employees and employers in the province or a region in the province who are within the scope determined in the decree. Section 9 of the Act provides, among other things, that wages and hours of labour set out in the agreement will be obligatory. The Act requires the formation of a parity committee, made up of parties to the agreement, to supervise and enforce the terms of the decree.

529. Decrees that declare collective agreements binding throughout the province or a region can, but are not required to, contain specific provisions dealing with the registration of homeworkers, their rates of pay and terms of employment. It is by means of such provisions that the homemaker in Quebec is protected. Yet in spite of the protective legislation and the efforts of parity committees it is claimed that some exploitation of homeworkers still continues. Since homeworkers are geographically scattered, it is almost impossible to enforce the legislation.

530. Payment to homeworkers is generally on a piecework basis rather than on an hourly rate. They are rarely given vacation pay and are not eligible for workmen's compensation. Participation in the Unemployment Insurance Plan and the Quebec Pension Plan is apparently far from common.

531. In Ontario, approximately 450 firms employ some 3,500 homeworkers. The terms of the Employment Standards Act of 1968 apply to homeworkers as well as to other employed persons. Minimum wage standards apply to homeworkers although almost all are paid on a piecework basis. They are entitled to vacation pay within the terms of the Employment Standards Act and are covered by the Industrial Safety Act. Although they are not eligible for workmen's compensation, some are covered by the Unemployment Insurance and Canada Pension Plans. Provisions in Part VII of the Employment Standards Act forbid the employment of homeworkers without a permit and require the employer to keep a record of the names, addresses and wages of all homeworkers he employs. This provides some safeguard that the terms of the Employment Standards Act and Regulations will be met.

532. Although those who produce handicrafts for sale are not homeworkers in the sense the term is used in industry, the conditions under which they work are similar in some ways. For many Indians and Eskimos, the production of handicrafts is a source of livelihood or a useful income supplement. Some Indian handicrafts are marketed through the Arts and Crafts

<sup>101</sup> Collective Agreement Decrees Act. *Revised Statutes of Quebec*. 1964, c. 143, section 2.

Centre of the federal Department of Indian Affairs and Northern Development, and the Canadian Guild of Crafts markets Eskimo work. However, some native people are paid salaries for their work as, for example, the printers of stone prints at Cape Dorset. Others market their handicrafts themselves, or take part in the co-operative management of their production and sale.

533. As a source of income for women, homework has advantages and disadvantages. On the one hand, it is convenient for the woman tied to her home by family responsibilities. On the other hand, there are inherent dangers of her exploitation. Very little information on homework is available and we are therefore unable to propose action to ensure equitable treatment of homeworkers. We are concerned about the employment conditions of homeworkers, however, and we believe that this area should be examined in depth. Therefore, **we recommend that the Canada Department of Labour conduct a survey of the use of homeworkers, including handicraft workers, their wages and their other conditions of employment.**

#### *The Paid Household Worker*

534. The paid household worker has special problems that call for special consideration. The occupation is predominantly female, but while we will refer in this section to female workers, we intend our proposals to be equally beneficial to male household workers. All household workers are particularly vulnerable to exploitation because they have little protection under the law, no occupational standards and no employee organizations or unions to represent them.

535. Through the years, the demand for household workers has varied with the economy. Before Canada became industrialized, housewives were helped by unmarried daughters or other women relatives living at home. As the country grew more urban and more industrialized, more families employed household workers who usually worked long hours for low pay. Today, with a large number of married women in the labour force, there are not enough household workers to meet the demand.

536. At present, domestic work has so many disadvantages that few people will undertake it. The Commission received no formal briefs from household workers, but many others spoke on their behalf. Concern was expressed over the adverse effects of the occupation's low status both on the employees themselves and on the quality and quantity of available workers.

537. Household work is low on the occupational scale for three main reasons. First, it is generally considered as labour that requires no formal

training. Although some courses teach domestic skills, most women in domestic work have learned these skills either on the job or within their own families. Actually technology has removed many heavy or tedious household tasks such as washing by hand, and a household worker has become a kind of technician who knows how to use modern appliances and make nutritious, well-balanced meals. Moreover, in the absence of the housewife, administration of the household as well as the care of children is often left in her hands.

538. Second, outmoded attitudes toward the household worker also contribute to the low position of household employment on the occupational scale. Canadian society professes to set a high value on home and children, yet downgrades the person who in some ways serves as a mother substitute. Too often, employer-employee relationships are archaic.

539. Third, terms and conditions of employment for the household worker generally fall far short of those accepted as a matter of course in other occupations. Here society, as well as the individual employer, is at fault. Although household workers are included in equal pay legislation in all but three of the provinces and the Northwest Territories, they are excluded from the legislation that would give them minimum pay protection. Nowhere in Canada are they covered by a minimum wage Act. They are not excluded from the Canada Pension Plan and the Quebec Pension Plan but the informality of most arrangements for household work often results in their not being covered. Unemployment insurance is not available to them and they are rarely covered by workmen's compensation. No laws prescribe their maximum hours of work, time off or vacations. With so little protection, household work has become a last resort.

540. Some Canadian communities have visiting homemaker services which supply temporary household helpers when a mother's illness prevents her from caring for her family and home. They also help ill or elderly people who live alone. Visiting homemakers, many of whom have been formally trained, are employed under contract by a private or public agency. This businesslike arrangement helps to ensure uniform pay and working conditions commensurate with their duties and responsibilities. The Canadian Welfare Council provides agencies with a guide to desirable standards of employment.<sup>102</sup>

541. A number of European countries, such as Denmark, Sweden and Switzerland, have moved well ahead of Canada in recognizing the social and legal rights of household workers. In some countries special legislation

<sup>102</sup> Canadian Welfare Council. *Employment Standards and Job Description for Visiting Homemakers*. Ottawa, March 1965, pp. 3-8.



protects their pay and working conditions; in others they are covered by legislation that applies to other workers. In some, homemaking is recognized as a career and training in household skills and management is offered to high school graduates and experienced housewives and mothers. Frequently, emergency visiting homemaker services are subsidized by government and administered sometimes by local governments, sometimes by private welfare agencies.

542. The United States has taken a different approach to improving the status and employment conditions of the household worker. A National Committee on Household Employment, formed in 1965, has used volunteers and public and private funds to make a nationwide survey of household employers and employees. It has also set up demonstration projects to provide guidelines for recruitment, training, placement and job development. The Committee has already developed a Code of Standards for the employment of household workers. The Code defines the duties and responsibilities of workers and covers such matters as wages, hours of work, vacation, sick leave, social security and liability insurance.

543. We believe that Canada must take action to improve the situation of the household worker. In a society in which workers in most areas are protected by law and represented by unions, it is indefensible that any occupation should be subject to the exploitation common in household work. Given suitable working conditions and the respect household work deserves, it might attract women, and perhaps men, with domestic skills and interests. Because of the high proportion of working mothers and single parents, our economy badly needs these skills but grants them little financial reward or social status.

544. In the Chapter on education we make recommendations about training household workers under the Occupational Training for Adults Programme; their adoption would help to raise the status of this occupation. Household work would also benefit from the implementation of our recommendation for the extension of the Unemployment Insurance Plan to all persons working in an established employee-employer relationship. Household workers should also be covered by minimum wage laws and entitled to workmen's compensation. Any employment conditions prescribed by law for other workers should also be applicable to them.

545. Therefore, we recommend to the provinces and territories that household workers be covered by minimum wage laws, workmen's compensation and other labour legislation applicable to other paid workers.

546. Fairness demands some uniformity in policies and practices. Because there is usually only one household worker in a home, neither household workers nor families that employ them have a collective means of protecting their interests or knowing whether their expectations are reasonable. We believe governments should be responsible for providing the information about household workers that both workers and employers need.

547. Therefore, we recommend that each provincial and territorial government establish a Household Workers Bureau which, with its network of local offices, would be responsible for (a) establishing and promoting employment standards for different categories of household workers; (b) maintaining a list of available workers according to their competence, training, experience, health and other relevant qualifications; (c) directing available household workers to families which require them; (d) maintaining a record of families which use or require the services of the Bureau, with indications of the conditions of work of each of them; (e) supplying these families with information relating to desirable conditions of work and social security benefits; (f) promoting the training of household workers according to the needs of the market; (g) initiating, if necessary, training courses for household workers; (h) ensuring that household workers are not exploited and (i) conducting studies and providing information on the current market situation of household workers.

548. We recognize that neither legislation nor the machinery we have proposed will necessarily solve problems inherent in the employee-employer relationship. We therefore suggest that household workers should be attached to a central agency. The higher status and better working conditions of visiting homemakers show that this method works well.

549. To give all household workers a chance to be employed under these conditions, provinces and territories should promote the establishment of agencies with which household workers and people looking for household workers could register if they wished. When it placed a worker in a job the agency would become her employer, responsible for settling with the family for whom she worked terms and conditions of employment and the fee to be paid to the agency for her services. The agency would pay the employer's contribution to such plans as the Unemployment Insurance Plan and the Canada or Quebec Pension Plan, and would deduct the worker's contribution to such plans from the fee it paid her. The agency could also offer especially well-qualified household workers career opportunities by directing them to positions with scope and wages in keeping with their ability and experience.

550. The agency might be a Crown Corporation or a household worker co-operative. A co-operative would give household workers a voice in establishing their working conditions and a share in any possible profits. Since household workers are not organized, provinces and territories might have to set up these co-operatives.

551. Therefore, we recommend that provinces and territories promote the establishment of agencies or co-operatives to (a) act as the employer of household workers to be assigned to suitable employment, and (b) collect for the services of the household workers, make income tax, social security, and other payroll deductions, and ensure that they have equitable pay, approved employment conditions and the protection provided by law.

552. We realize that our recommendations would increase costs for families that employ household workers. Some families who can now afford help they genuinely need might find it no longer within their financial reach. This problem will be discussed in the Chapter on the family.

### *Women in the Arts*

553. How are we to judge the status of women in the arts in Canada? Artistic achievement is measured as much in public recognition and personal satisfaction as in money. In terms of equal pay, there appears to be little discrimination against women in writing, the theatre, or the visual or performing arts. Applications to the Canada Council, which since 1957 has subsidized a great many Canadians in all branches of the arts, appear to have been reviewed without regard to sex. It is the same in the market place. Where there are union contracts, as with actors and actresses, equal rates apply. Where there are professional fees, as in writing and performing, quality and popular demand determine the fee. It has been suggested that women painters receive lower prices because collectors, speculating in new paintings by artists whose work is potentially valuable, think women are less likely to keep working until they realize their early promise.

554. In the arts, pay is often poor. Many actors, actresses, dancers and musicians, male and female, still earn extremely low annual incomes. Creative writers in prose can seldom live on the proceeds of their writing; poets never. The Canada Council has done an immense service by proving how much artistic talent can come to light if some public money is used to help artists.

555. Women in the arts work as creators, interpreters, administrators, supporters and teachers. We have considered the opportunities of women to participate, advance or excel.



556. Although fewer women than men have achieved prominence as creative artists, those few rank with the finest the country has produced. Art galleries give testimony to the excellent paintings and sculpture by Canadian women. Eskimo women of extraordinary talent have created stone carvings and prints which are outstanding works of art by any standard. Women who are novelists and poets, writing in French or English, have received acclaim from distinguished critics as well as from the public.

557. A study prepared for the Commission points out that many talented women have been held back from the highest development of their art by personal counter-demands. Creative art often calls for detachment from the needs of home and family, long stretches of time dedicated to the art alone, some economic independence and, as Virginia Woolf expressed it, "a room of one's own". Dr. Jean Boggs, director of the National Gallery of Canada, said in an interview for the study: "It requires a kind of discipline which is difficult. It's a very lonely life. It demands a singleness of spirit." In our present society, many women are enmeshed in family responsibilities. When new social attitudes encourage gifted women to give up other duties and devote themselves more fully to art, a higher proportion of our most highly acclaimed creative artists may be women.

558. Women as interpreters of the arts have been remarkably successful. There are singers of international reputation; in ballet, Canada has produced outstanding women dancers; Canadian actresses have won recognition at home and abroad.

559. Tradition has limited the number of women players in symphony orchestras. The Montreal and Toronto symphonies, for example, each muster about 100 players. In Toronto, 17 of them are women, and in Montreal, 26. There are 10 women out of a total of 44 players in Ottawa's National Arts Centre orchestra. The recently formed National Youth Orchestra has 45 girls out of a total of 106 players, and the new National Youth Training Orchestra has 18 girls out of 35 players. The number of women players seems to be increasing, but they have few opportunities to lead in the established orchestras. The study on women in the arts comments, "Apart from the National Youth Orchestra, which for half its sessions has had a female concertmaster and which frequently includes young women as principals of string and woodwind sections, the number of Canadian women who have held positions as concertmasters and principals can be counted on the fingers of one hand." Orchestra conductors are nearly all men, except for the leaders of special groups such as the Montreal Women's Orchestra and the Manitoba Consort which has revived Elizabethan music and instruments.



560. One Canadian critic has said that actresses are also handicapped because most plays have more parts for men than for women. Traditionally on the stage, as in everyday life, the role of doctor, politician, diplomat, lawyer or businessman is played by a man. Actors are therefore considerably more in demand than actresses.

561. Administrators in the arts include theatre managers and artistic directors, and curators of art galleries. In this field there are some eminently successful women, such as the director of the National Gallery of Canada; the former curator of prints and drawings at the National Gallery and directors of well-known art galleries in Montreal and Toronto; the founders and directors of the National Ballet Company and *Les Grands Ballets Canadiens*. But again, except in ballet, such positions are more often filled by men.

562. Theatre managers, orchestra and gallery administrators must deal with the business community, and the general prevalence of male executives in other occupations carries over into the arts. The National Theatre School, the *Théâtre du Nouveau Monde*, the Canadian Theatre Centre, the Stratford Festival Theatre and the Shaw Festival are almost exclusively run by men.

563. As supporters, promoters and founders of the arts in Canada, women are outstanding. From pioneer times, when cultural pursuits were regarded as essentially feminine, women have been indefatigable in building the volunteer community support without which art cannot exist. Many art galleries and orchestras could not have survived without the money raised by women's committees, which also put on publicity campaigns and undertook countless unpaid jobs.

564. As music teachers, women predominate at the elementary school level but are outnumbered by men at college and university levels.

565. Professional occupations in the arts have advanced slowly in Canada, and the participation of women has in general proceeded at the same pace. Overt discrimination is much less apparent than in other sectors of the national economy.

566. We believe that equal opportunity for women in the arts should be advanced through the conscious collaboration of such leading institutions as the Canada Council, the Canadian Broadcasting Corporation, the National Theatre School, the Stratford Festival, the Shaw Festival and the schools of fine arts.

*Summary (Paid Work)*

567. This Commission found women in paid work handicapped by discrimination in policy and practice. Briefs, individual submissions and special studies documented specific injustices within the work world, and suggested how social pressures and attitudes, less easily defined but no less strong, prevent women from competing equally with men.

568. We learned that:

- pay rates for women and men are often different;
- pay is generally lower for traditionally female professions than for other professions;
- equal pay laws are inadequate;
- pension and group life insurance plans often provide less protection for the husband of a female worker than for the wife of a male worker;
- paid maternity leave is rare;
- women have less opportunity to enter and to advance in many occupations and professions;
- compared to men, few women reach senior levels;
- women's skills and abilities are not being fully used.

569. Differential treatment prevents many women from entering the labour force. Married women are at a special disadvantage. Sometimes they have to work to help support their families. Sometimes a housewife feels the need for a different kind of challenge than housework offers, or looks to employment to relieve a sense of isolation from society. Wives and mothers should be neither prevented nor inhibited from taking paid work. Often they are denied this right by lack of equal opportunity at work and lack of child-care facilities.

570. Women in the work world face equal frustrations. Many have no chance to develop their potential. Some accept this, more or less philosophically, and set their sights lower. Others are discouraged when they find men with less ability promoted over them or offered jobs from which they are implicitly barred. Women with leadership talents are especially penalized by management's traditional attitude that women should be confined to support roles. For a genuinely capable woman, influence behind the scenes is no substitute for real authority.

571. Inequality of opportunity for women often undermines their self-confidence. Reason tells them they have potential; practice implies they have not. To seek promotion directly only emphasizes the paradox. Sex discrimination is seldom overt and so a woman is never certain whether she has failed

because she is a woman or because she has over-estimated her own capacities. Some women react by placing the blame squarely on sex discrimination. Others refuse to admit that sex discrimination exists and look for other reasons for their lack of advancement. Those who lack self-confidence may develop a feeling of inferiority that destroys the potential they once had.

572. We have made a number of recommendations for change. In broad terms, we believe a climate must be created in which commodity production will no longer be seen as primarily the responsibility of men, with women helping out in subordinate jobs as the need arises. Responsibility and authority must be placed in the hands of individuals able and willing to take it. In making recommendations for equality of opportunity for women and the full use of their abilities we have aimed at fostering such a climate.

573. We also see a need for a change in some of the concepts on which employment practices are based. Women have long been a disadvantaged group in the field of employment and the fact that the work world is geared to the lives of men is largely responsible. Hours of work are generally those when men are free, and many women are not. Very little attempt is made to adapt hours to times when women can work or to provide part-time employment. A premium is placed on employment experience, yet the labour force activities of many women are interrupted by family responsibilities. More than this, little is done to fashion jobs that will develop the potential of those women whose experience does not follow the lines to which the work world seems to be geared.

574. We believe that men and women will not be treated as equals until employers learn to understand the capacities of women and the importance of the full use of womanpower. We therefore urge continuing research programmes on the employment of women and a wide distribution of the findings to employers and to women. The attention of employers and the public must be drawn to any discrimination practices on the basis of sex.

575. As we have pointed out, women themselves should also assume some responsibility for improving their position in paid employment. More women need to take training in a greater variety of occupational skills and to be educated for many more of the professions. We firmly believe that women must break their occupational bonds. They must develop enough self-confidence to raise their career sights, refuse to work for less pay than men and stand up for their rights in the face of discrimination. This will take courage. In employment the days of pioneering are not yet over for women. Change will only come about when women occupy decision-making positions in numbers large enough to form a pattern which employers will accept without question, and which other women will readily follow.

576. More is needed than the enlightenment of employers and the determination of women. Society as a whole must see the need for equal treatment of the sexes in employment. It must recognize that discrimination is a divisive factor that wastes human resources, fails to recognize individual capacities and goals, and undermines the basic structure of our society. Although education in home and school should attack differential treatment, the most immediate responsibility rests with government. As the key instruments of society, governments at all levels must take action to bring about change.

### *The Future (Paid Work)*

577. Since we intend our recommendations to improve the situation of women in the future as well as the present, we have briefly considered future trends.

578. Many labour force projections suggest that at least into the 1980's an increasing proportion of the labour force will be women, mainly because a greater proportion of married women will be working. A study made for us supported these projections.

579. This study also examined participation rates for women by age groups. On the basis of present trends, it predicted the following changes in participation rates for women, from 1970 to 1980:

14-19 years .....	31.0 to 34.1 per cent
20-24 years .....	57.9 to 65.0 per cent
25-34 years .....	36.5 to 46.8 per cent
35-44 years .....	39.6 to 51.4 per cent
45-54 years .....	43.8 to 58.8 per cent
55-64 years .....	32.7 to 45.1 per cent
65 years and over ....	6.9 to 8.5 per cent

580. Most women in the labour force work in the service industries. More women work in the community, business and personal service group of these industries than in any other group. Since the service industries employ an increasing proportion of the labour force, they will probably use more women each year. On the other hand, diminishing employment in the goods industries will probably cut job opportunities for both women and men, and perhaps drive men into competition with women in the service industries.



581. Technology is expected to increase the need for professional and technical workers and reduce the demand for semi-skilled workers. Women without university degrees or technical training will therefore be at even more of a disadvantage than they are in the present labour market. Economists also predict the disappearance of many middle management jobs, generally the top level for women in business today.<sup>103</sup> Unless they equip themselves for senior positions, women may find themselves even lower on the occupational ladder than they are now.

582. A study for the Commission on the introduction and impact of technological changes on female occupations suggests that the implications of the computer surpass the most imaginative speculations. Whether or not the changes in the foreseeable future will be as dramatic as this implies, it is likely that traditional occupations and professions will be substantially different, and entirely new occupational fields will open up.

583. Clerical occupations will be radically affected by electronic technology. Unskilled clerical work in data collection, information retrieval, tabulation and the keeping of accounts and records will probably be almost entirely eliminated. Instead, the automation of these tasks will increase the demand for workers skilled in electronic data processing.

584. Secretarial work will probably survive in a very different form. Already the secretary's traditional skills of shorthand and typing are being threatened by technological innovations. However, her functions will probably become more technical and responsible, particularly if predictions materialize on the use of computer terminals in offices.

585. Health services are also likely to call for more technical expertise in electronic data processing, automated monitoring of patients, computer-assisted diagnoses and advances in instrumentation and operative procedures. Freed from some routine duties, nurses will take on new responsibilities and authorities. The growing use of technical aids and a new comprehensive approach to medical practice will increase demand for paramedical personnel.

586. Teaching methods may be altered by the widespread use of educational technology in the form of instructional aids such as comprehensive data banks and two-way electronic communication channels in the classroom. The librarian of tomorrow may well become an "information officer" as electronic technology makes possible the development of national knowledge

<sup>103</sup> Michael, Donald H. "Some Speculations on the Social Impact of Technology." *Technological Innovation and Society*. eds. Dean Morse and Aaron W. Warner, New York, Columbia University Press, 1966, p. 130.

and information networks. Law practice will also be affected by the increased mechanization of information storage and retrieval. Engineering is already being dramatically changed by the computer. So is architecture.

587. All the predictions indicate that the growth of computer science and technology will create even greater demand for workers such as systems analyst and computer programmer, and that new occupations will develop with new uses for computers.

588. New occupations will probably appear in other fields such as urban and rural planning, the conservation of natural resources, and ecology; and leisure-oriented industries and services may also be expected to create new careers.

589. Because advances in technology will substantially change job content, workers will need very different job preparation. Some traditional skills are even now becoming obsolete and others will follow. The worker of the future, then, cannot expect to pursue a specialized occupation for his entire working life. The changes may be so great that past work experience may no longer be the important aspect in promotion that it is today. With the emphasis shifting to initiative and ability, a shortage or lack of work experience may no longer handicap women.

590. Predictions about other aspects of employment suggest further opportunities for women. The trend is toward a shorter work week; a four-day work week may be common by the 1980's. The work day may be significantly shorter and shift work may increase.

591. We confidently expect that the situation of women will be generally improved in the future the experts foresee. A shorter work day will make it easier for married women to work full-time, thereby avoiding some of the problems part-time work often presents. The combination of a shorter work day and available shift work will allow husbands and wives to work at different times so that they can take turns looking after their family and still spend time together.

592. New occupations will be opening up that are not yet sex-typed. Nor do we believe that there will be the same tendency to sex-type occupations in the future. The complexity of the business world and the sophisticated techniques that technology will introduce will place a high premium on education and technical competence. Employers will not be so able to afford the luxury of indulging in sex preferences when selecting employees. The next generation of men will probably find the competition of women quite natural in a way that their fathers did not.

593. This emphasis on education and competence will be an advantage to women only if they match men's qualifications, which we consider more likely in future. When computers are widely used in the work world, for example, schools and universities will have to provide more computer education courses. As girls at school realize that they will probably go on working after they marry or when their children grow up, they will qualify themselves for jobs equal to their ability.

594. There is, however, one aspect of the future that can be particularly disadvantageous for women. Skill and job obsolescence is a problem that will be particularly acute in the future. Even more than in the past, women who wish to re-enter the labour force will find their skills and experience outdated. Many permanent employees will also be faced with job obsolescence but it will probably be common practice for redundant workers to be trained in new skills. It is important that the provision of training for married women wishing to enter the labour force also becomes the practice.

595. We hope that the adoption of our recommendations will help more women to find satisfaction in paid work. Freed from the tensions that spring from prejudice against women working, they will have a wider choice of occupation and a more realistic expectation of a career that matches their capacities. Their position, successes and difficulties will be the same as those of working men.

596. But the impact of our recommendations will reach even further. By the full use of their skills and abilities, women will be able to make a greater contribution to the economy than ever before. The beneficial effects on the economy of increased production cannot help but work to the advantage of all Canadians.





"All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in education at all levels, and in particular:

(a) Equal conditions of access to, and study in, educational institutions of all types, including universities, and vocational, technical and professional schools;..." *The United Nations' Declaration on the Elimination of Discrimination Against Women, Article 9.*

#### Introduction

1. Changes in education could bring dramatic improvements in the social and economic position of women in an astonishingly short time. In this Report, we propose many options for women in choosing the course their lives will take. If they are to be well prepared for the choice they make, the educational system itself must be more flexible, offering them a variety of opportunities for study and training. Moreover, flexibility and adaptation to new situations must be taught as indispensable equipment for living successfully in the world of today and tomorrow. All too often education teaches only yesterday's wisdom.

2. Equal opportunity for education is fundamental. Education opens the door to almost every life goal. Wherever women are denied equal access to education they cannot be said to have equality.

3. The complexity of Canadian society requires a comprehensive understanding of the world, as well as highly specialized skills. Education is a necessity in a highly developed society, and must extend throughout the lifetime of the individual.

4. In this Chapter, we first look briefly at the past. We then examine how the courses in which girls enroll in school affect their future occupations, and discuss motivational and social factors reflected in the education of girls. Since learning is a lifelong process, we direct attention to the continuing education of women. Finally, we recommend changes in policies, programmes and attitudes to improve the status of women.

5. In a country as vast and diverse as Canada it is difficult to be precise in describing the education of women. Education in this country reflects

two national cultures and is the responsibility of 12 different jurisdictions.<sup>1</sup> In every part of Canada, education, which in earlier days was not always available for either sex, is now considered the right of all. Elementary and secondary schooling is compulsory for girls and boys until at least age 14, and the publicly supported schools are open to all children free of charge. Federal and provincial governments provide grants and student loans to young people of both sexes who wish to continue their education beyond the secondary level.

### The Past<sup>2</sup>

6. In early French Canada, the education of girls was a matter of evident concern. By 1642 the Ursuline nuns had established a boarding school in Quebec, where daughters of officers, merchants, and magistrates were educated with daughters of farmers and workers of all kinds. Later a similar school was opened by the Ursuline nuns at Three Rivers. The *Congrégation de Notre-Dame*, founded in Canada by Marguerite Bourgeoys, opened its first school in 1658. Between 1676 and 1732 it also established nearly a dozen more schools in towns and villages. Girls were taught reading, writing, simple arithmetic, prayers and the Christian code of morals. In 1789, according to the Bishop of Quebec at that time, the number of literate women exceeded the number of literate men.<sup>3</sup> In 1806 a traveller observed: "The women are better instructed, or at least better informed . . . Hence they generally acquire an influence over their husbands."<sup>4</sup>

7. The training of teachers in the Province of Quebec was authorized by law in 1836, but it was not until 1857 that the first normal schools were opened—a French Catholic school for men in Quebec City with a section for girls run by the Ursuline nuns, another for men in Montreal, and a co-educational school in the English language at McGill University. In 1899, a French Catholic normal school for women was opened in Montreal.

8. During the second half of the nineteenth century, an increasing number of women in Quebec entered the teaching profession. Between 1876 and 1888, the number of female teachers increased from 4,776 to 6,766 while

<sup>1</sup> Section 93 of the British North America Act, 1867, reads: "In and for each Province the Legislature may exclusively make Laws in relation to Education . . ." Today, each of the 10 provinces and the two territories has its own educational system.

<sup>2</sup> This section is based mainly upon: Phillips, Charles E. *The Development of Education in Canada*. Toronto, W. J. Gage, 1957, pp. 15–19, 375–386; and Royal Commission of Inquiry on Education in the Province of Quebec. *Report*. Vol. 2, Quebec, Government Printer, 1964, pp. 262, 264, 269.

<sup>3</sup> Mgr. Briand, quoted by Robert-Lionel Séguin. "La Canadienne au XVII<sup>e</sup> et XVIII<sup>e</sup> siècles". *Revue d'Histoire de l'Amérique française*. Vol. 13, Montreal, Institut d'Histoire de l'Amérique, March 1960, p. 502.

<sup>4</sup> *Ibid.* Lambert, John, quoted by Séguin, R. L. p. 502.

the number of male teachers only increased from 1,146 to 1,335.<sup>5</sup> Teachers in both Protestant and Catholic schools were paid very low salaries, equivalent to those of domestic servants, but women received less than half the amount paid to men, as is illustrated in the following table of average annual salaries for the year 1899-1900.<sup>6</sup>

Schools	Elementary		Secondary	
	Women	Men	Women	Men
Catholic.....	\$111	\$242	\$130	\$487
Protestant.....	\$152	\$663	\$291	\$830

9. Early in the twentieth century, religious orders opened more normal schools to train women teachers for the Roman Catholic elementary schools of Quebec. The cost of tuition was low, and the schools gave many women the advantage of education beyond the elementary level. In general, they received less government support than the public normal schools where male lay teachers were trained.

10. The first classical college<sup>7</sup> for women was founded in Montreal in 1908. The second was opened in Quebec City in 1925 and gradually a number of others were established throughout the province. Until 1960 they were denied the support from public funds given to classical colleges for men and so became the preserve of a small number of privileged individuals who could afford tuition. Meanwhile, a large network of government subsidized Family Institutes was developed. These schools of domestic science were designed to train girls to be good housewives. Their gradual closing since 1961 indicates recognition of the changing image of women in Quebec.

11. In 1910, the University of Montreal became the first French-language university in Quebec to give a Bachelor of Arts degree to a woman, a student in the College Marguerite Bourgeoys. By 1960, all faculties in the French-language universities had opened their doors to women.

12. In the province of Quebec, the professions were slow to admit women. A woman was accepted by the Quebec College of Physicians and Surgeons

<sup>5</sup> Labarrère-Paulé, André. *Les Instituteurs laïques au Canada français, 1836-1900*. Québec, Les Presses de l'Université Laval, 1965, p. 356.

<sup>6</sup> *Ibid.* p. 451.

<sup>7</sup> Classical colleges are defined by the *Encyclopedia Canadiana* as "private and independent institutions, operated mostly by the Roman Catholic clergy in Quebec, providing education at the secondary and undergraduate levels." It is questionable whether the level corresponded to university graduate levels.

in 1930. A woman received a degree in law from McGill University in 1914 but it was not until 1941 that a woman was admitted to the bar. Although women were admitted to the Chamber of Notaries in 1955, it was not until 1961 that a woman was granted the right to practise as a notary.

13. In English-speaking Canada, in pioneer days, educational opportunities for young girls were also limited. Girls were less likely to attend school than boys. Among the upper classes, schools for young ladies were designed to carry their pupils to matrimony with unquestionable virtue, social graces and the air of delicacy then much admired.

14. By the middle of the nineteenth century, some people were suggesting that intellectual pursuits might widen the narrow dimension of life for which girls of the upper and middle class were prepared. Others feared that the elevation of the female mind might interfere with what they regarded as the full range of womanly tasks, such as housekeeping, child-rearing, and social duties.

15. About the time of Confederation, subsidies for education were paid according to the number of students attending school. (In Ontario high schools, a girl was counted as one-half a student). In most places, girls were admitted to high schools but girls and boys were segregated in separate classrooms. Co-education as we know it today came about gradually over the years.

16. Before 1850, women were sometimes employed as teachers but it was difficult for them to gain admission to normal schools. For example, in 1849, a young woman applied for admission to a school for teachers in New Brunswick. After being refused repeatedly, she appealed to the Lieutenant-Governor and obtained an Order in Council which granted her admission. The principal of the school set up special rules governing her conduct. She had to wear a veil, enter the classroom 10 minutes before the other students, sit alone at the back of the room, retire before the lecture ended, and leave the premises without speaking to the male students. However, the need for trained teachers was so great that by 1860 women were found in the normal schools of all provinces.

17. As early as 1858, Mount Allison University in New Brunswick admitted women to classes and in 1875 it was the first university in the British Empire to grant a Bachelor of Science degree to a woman. Women were admitted to Dalhousie University in Halifax in 1882, to McGill University in Montreal in 1884, and, after much opposition, to the University of Toronto in 1885. By 1920, the number of women students in universities was only about one-sixth of the total enrolment.



18. It took longer for women to enter the professions. In 1883-84, rather than admit women to their medical faculties, the University of Toronto and Queen's University<sup>8</sup> established separate medical colleges for women. In 1891, for the first time, a woman applied to the Benchers of Ontario for admission as a student-at-law and was refused. Later the Attorney General of Ontario acted on her behalf and established the right of women to be admitted as solicitors. It was not until 1897 that a woman was called to the Ontario Bar, the first woman lawyer in the British Empire. By 1923 all provinces, except Quebec, allowed women to practise law.

19. The early vocational schools admitted women but programmes for both sexes were very limited. In 1901, the 16 vocational schools in Canada offered only manual training for boys and household science for girls. There were no apprenticeships for girls. Although the World Wars added some impetus to the establishment of vocational programmes and schools, there was little progress until the federal Technical and Vocational Training Assistance Act became effective in 1960.<sup>9</sup>

20. Co-education is now general in the publicly supported schools of English Canada and is being adopted increasingly in Quebec. In Ontario, however, we found a serious exception to equal treatment of boys and girls in the exclusion of the latter from the University of Toronto Schools. This institution, a training college for teachers for secondary schools in the provincial system, is a division of the College of Education of the University of Toronto and is financed largely from public funds. The average annual enrolment is 420 boys. It offers an enriched programme of study which we consider should be equally available to girls.

## Present Patterns of Enrolment

### *Schools*

21. The first significant difference in the education of girls and boys is apparent in the choice of courses at the high school level. As will be seen in Chart 1, the estimated number of girls taking commercial courses in nine of the provinces is substantially higher than the estimated number of boys. Many more boys than girls are taking vocational courses such as industrial and mechanical trades, construction trades, forestry, and agriculture. Although the percentages of girls and boys who enroll in the academic programmes

<sup>8</sup> The medical college of Queen's University for women was closed in 1895 and it was not until 1942 that women were admitted to the medical faculty of the university.

<sup>9</sup> Glendenning, Dr. D. E. "The History of Vocational Education in Canada". *The Canadian Superintendent*, 1966. Toronto, Ryerson Press, 1967. pp. 13-24.

CHART-I

ESTIMATED NUMBER OF GIRLS AND BOYS IN SECONDARY SCHOOLS TAKING COMMERCIAL, ACADEMIC AND OTHER COURSES OF STUDY—NINE PROVINCES<sup>1</sup>

1965 - 69

ESTIMATED NUMBER

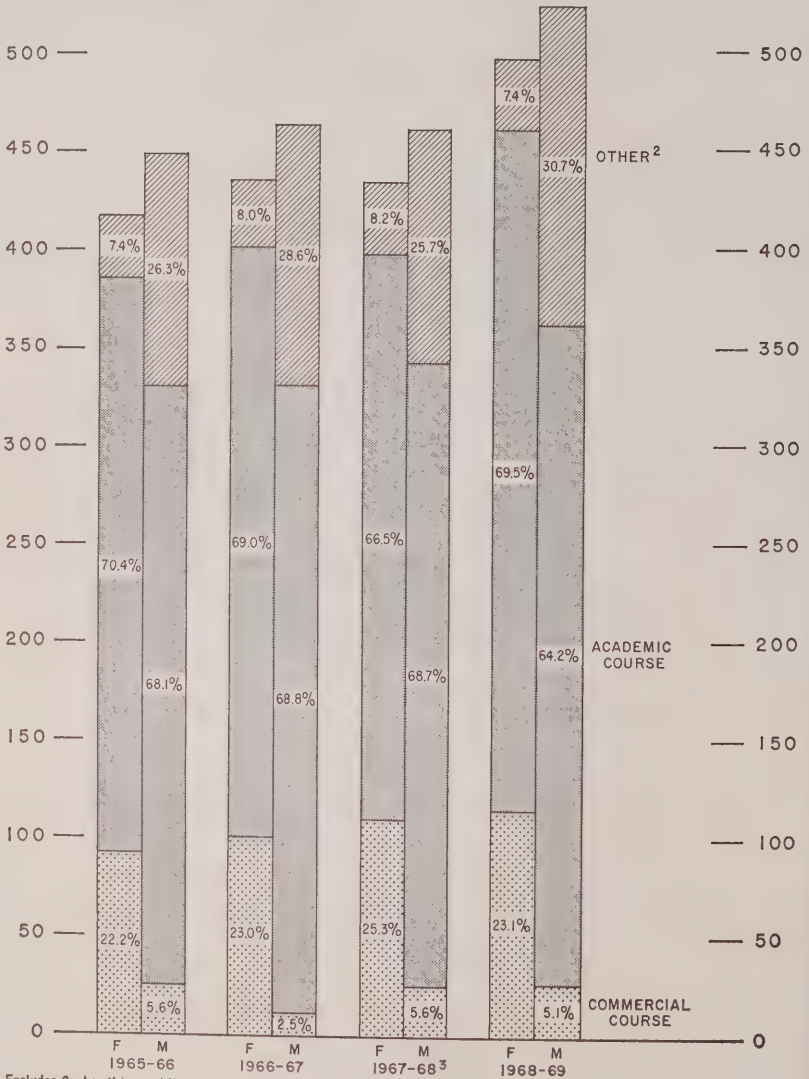
'000

5 50 —

ESTIMATED NUMBER

'000

— 5 50



<sup>1</sup> Excludes Quebec, Yukon and Northwest Territories secondary schools, and all private schools.

<sup>2</sup> Includes vocational courses, auxiliary classes and other secondary courses.

<sup>3</sup> Excludes Manitoba enrolment figures.

Source: Dominion Bureau of Statistics, unpublished data, February 1970.

are roughly equal, boys predominate in the study of mathematics and science and girls tend to concentrate on social studies. Obviously options chosen at the high school level have a definitive influence on women's eventual occupational choices.

22. A second significant difference between girls and boys at the high school level relates to drop-outs. Proportionately more girls than boys stay at school until the higher grade levels. This difference is often reversed in the final grades of high school since, if boys have reached second or third year high school, they are somewhat more likely to stay on to senior matriculation.<sup>10</sup> At the secondary level girls as a rule get better marks than boys. The fact that they leave school in greater numbers before completing senior matriculation must therefore be explained on grounds other than academic ability. Why these differences occur is discussed later in this Chapter.

23. It is obvious that there are two critical times of decision in the educational life of a girl. One is at the transition from elementary to secondary school, when she chooses the courses she will take. The other is at the completion of secondary school when she decides what she wants to do, that is, whether to go to university, enroll in a technical training or business course, or take a job. Most educators are well aware of these watersheds. We urge all those involved in the education of girls to continue to emphasize the long-term effects of choices made during high school years and to impress on girls the importance of education for women.

### *Universities*

24. Women make up one-half of the total population but only about one-third of college and university undergraduate enrolment. Nevertheless, they have comprised a slowly increasing percentage of the total enrolment in undergraduate programmes, from 16.3 per cent in 1921 to 34.2 per cent in 1967-68. (See Chart 2).

25. The following figures<sup>11</sup> illustrate the increase in certain years in the number of women enrolled as full-time students in universities and their participation rate.<sup>12</sup>

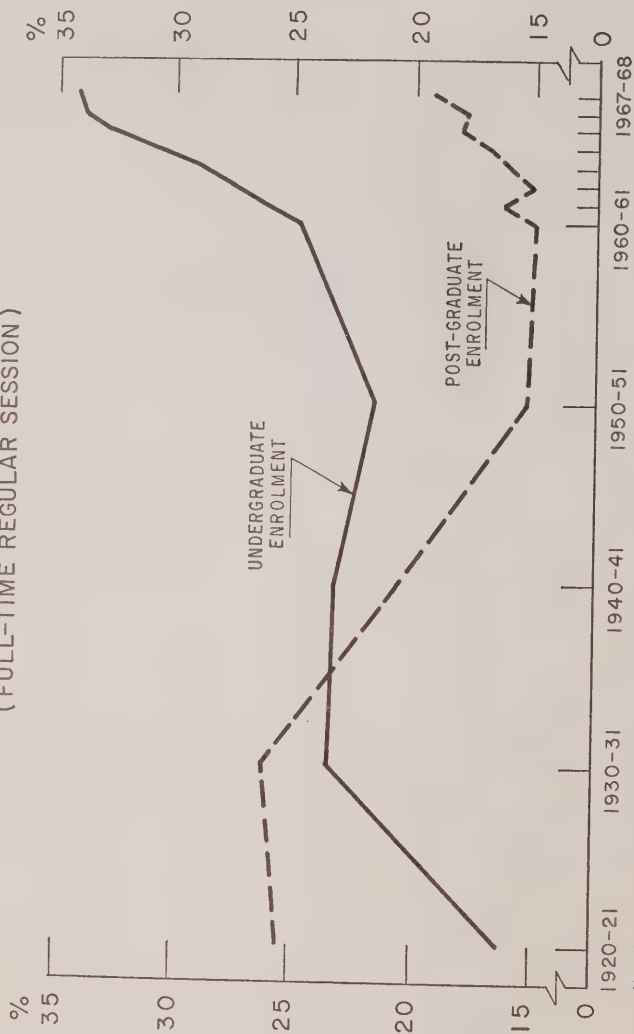
<sup>10</sup> Dominion Bureau of Statistics. *Student Progress through the Schools by age and grade*. Cat. No 81-530, Ottawa, Queen's Printer, 1965, p. 22.

<sup>11</sup> Sheffield, Edward F. *Enrolment in Canadian Universities and Colleges to 1976/77*. Ottawa, Association of Universities and Colleges of Canada, 1966, p. 9. Dominion Bureau of Statistics. *Survey of Higher Education*. Part II, Cat. no. 81-211, Ottawa, Queen's Printer, 1965-66 and 1966-67, p. 10 and 12.

<sup>12</sup> The participation rate is calculated by dividing the number of full-time enrolled students of a particular sex by the number of that sex, aged 18 to 24 years, in the population.

CHART-2

# ENROLMENT OF WOMEN AT UNDERGRADUATE AND POST-GRADUATE LEVELS AS A PERCENTAGE OF TOTAL ENROLMENT (FULL-TIME REGULAR SESSION)



Source: Urquhart, M.C. and K.A.H. Buckley, ed. *Historical Statistics of Canada*. Toronto, Macmillan, 1965, pp. 601-602.

Dominion Bureau of Statistics. *Survey of Higher Education*. Cat. no. 81-204, 1961-62, 1962-63, 1963-64, 1965-66, 1966-67, 1967-68.



	Number of Full-time Students Enrolled		Participation Rate	
	Female	Male	Female	Male
1951-52.....	13,247	46,602	1.7%	6.7%
1965-66.....	61,845	126,847	6.5	13.7

26. Since the female participation rate has quadrupled while the male rate has doubled, women are earning an increasing percentage of the bachelor degrees as is illustrated by the following percentages for selected recent years and in more detail in Table 1:

1955-56.....	22.9%
1960-61.....	25.7
1964-65.....	31.1
1966-67.....	34.5

27. At the graduate level, although there has been a gradual increase in female enrolment since 1955, the percentage of graduate students who are female has not yet reached the 1921 figure. At that time, a quarter of the graduate students in Canadian universities were women. Since 1955, the percentage of post-graduate degrees earned by women has remained fairly constant. As shown in Table 1, women earn about 20 per cent of the master's degrees and about eight per cent of the doctorates.

28. More women than men enroll in university correspondence courses. In 1967-68, of the 5,009 students taking these courses, 53 per cent were women. The largest numbers were enrolled at Queen's University, followed in turn by the University of Saskatchewan and the University of British Columbia.<sup>13</sup>

29. Women also predominate in the numbers enrolled in extra-mural television courses organized by universities. Five institutions reported that 1,666 students, of whom 918 or 55 per cent were women, had registered in 1967-68. Television courses at graduate level were offered only by the University of Sherbrooke.<sup>14</sup>

30. Enrolment statistics also indicate women's interest in part-time programmes particularly at the undergraduate level. In 1968-69, for example, women comprised 43 per cent of all part-time students at the undergraduate level and 22 per cent at the graduate level.

<sup>13</sup> Dominion Bureau of Statistics. *Survey of Higher Education*. Cat. no. 81-204, Ottawa, Queen's Printer, 1967-68, p. 12.

<sup>14</sup> *Loc. cit.*

Table 1. Number of University Degrees Granted in Canada and Percentage of Degrees Granted to Women, in Selected Years, 1930-31 to 1966-67

Academic Year	Bachelor and first professional degrees*			Master degrees and licences**†			Doctorates (earned)			Doctorates (honorary)		
	Total	Women	Women percentage of total	Total	Women	Women percentage of total	Total	Women	Women percentage of total	Total	Women	Women percentage of total
1930-31.....	5,290	1,338	25.3	468	100	21.4	46	7	15.2	95	—	—
1940-41.....	6,576	1,582	24.1	673	71	10.5	75	5	6.7	83	6	7.2
1945-46.....	8,192	2,200	26.9	877	99	11.3	104	12	11.5	134	6	4.5
1950-51.....	15,754	3,200	20.3	1,632	227	13.9	202	11	5.4	186	11	5.9
1955-56.....	13,770	3,151	22.9	1,459	303	20.8	266	17	6.4	200	15	7.5
1960-61.....	20,240	5,211	25.7	2,447	466	19.0	305	26	8.5	265	14	5.3
1961-62.....	23,102	6,320	27.4	2,813	603	21.4	321	26	8.1	240	11	4.6
1962-63.....	25,221	7,053	28.0	3,152	657	20.8	421	34	8.1	254	7	2.8
1963-64.....	29,084	8,368	28.8	3,490	671	19.2	481	38	7.9	244	13	5.3
1964-65.....	33,497	10,416	31.1	4,096	835	20.4	569	54	9.5	258	15	5.8
1965-66.....	38,470	12,660	32.9	5,233	996	19.0	697	76	10.9	254	20	7.9
1966-67.....	43,843	15,137	34.5	6,253	1,290	20.6	788	60	7.6	321	24	7.5

\*Includes equivalent diplomas, as for example, in theology and honours degrees.

\*\*The *licence* in the French language universities was the next degree after the bachelor's degree and corresponded more or less with the master's degree in the English educational system. Since 1961, licence is roughly the equivalent of a bachelor's degree.

†Excludes master and *licence* degrees (e.g., in law, optometry), which are in reality first professional degrees and which are included in that column.

SOURCE: Dominion Bureau of Statistics. *Survey of Higher Education*. Part II, 1964-65—1965-66—1966-67, Cat. no. 81-211, Ottawa, Queen's Printer, Table 8.

31. Enrolment of full-time women undergraduate students as a percentage of the total enrolment in each faculty over the years 1921 to 1967-68,<sup>15</sup> shows in most cases slightly increased percentages of women in relation to men in agriculture, architecture, dentistry, engineering, law, medicine, pharmacy, and theology. Over the same period the proportions dropped significantly in social work and in physical and health education.

32. The largest groups of women are concentrated in the faculties of Arts and Education, with a significant increase in the numbers in the faculty of Education. Of all women enrolling in undergraduate courses, the proportions enrolling in law and medicine are decreasing.

33. In summary, fewer girls than boys go on to university. Girls tend to concentrate in Arts and Education. The percentage of women is lower in post-graduate schools than in the undergraduate schools.

34. Briefs presented to the Commission stated that some universities still discriminate against women by imposing quotas on the proportion of women in certain faculties or by requiring women to have a higher academic standing than men. We referred these charges to all the university presidents in Canada. The Commission was told that, with the exception of the veterinary faculty of Nova Scotia Agricultural College, there was now no discrimination against women. In the past, some universities had required women to have a higher academic standing than men for admission to certain faculties but these requirements have been dropped, according to the information given to us by university authorities. And yet, to take the study of medicine as an example, according to a brief presented by Canadian women physicians,<sup>16</sup> "for boys and girls coming out of grade 13 into the first pre-medical year, there are three universities that demand a 10 per cent higher academic qualification from the girls." Apart from this discrimination, the brief stated that places in Canadian medical schools are being fairly awarded, and suggested that "lack of encouragement" is the main reason for the low percentage of women medical students as compared to men.

35. However, the number of female medical students is increasing. In 1957-58, there were 259 full-time women medical students in Canada, seven per cent of the total enrolment. By 1967-68 their number had increased to 550, 12.5 per cent of the total. Women as a percentage of first-year admissions increased in the same period from 8.6 per cent to 14.4 per cent and, as fourth-year students, from 5.5 per cent to 10.2 per cent.<sup>17</sup> In 1967-68, when 12.7 per cent of the applicants to medical schools were women, 14.4 per

<sup>15</sup> Dominion Bureau of Statistics. *Survey of Higher Education*. 1938-40; 1950-52. Cat. No. 81-204, Part 1, 1962-63; Cat. no. 81-204, Part 1, 1967-68.

<sup>16</sup> Brief No. 302.

<sup>17</sup> *Loc. cit.*

cent of the new admissions were women.<sup>18</sup> A higher percentage of women doctors undertake post-graduate work than men, and a higher percentage of women are qualified specialists.<sup>19</sup>

36. It is sometimes stated that Canada cannot afford costly advanced medical training for women, only to have them leave the labour force in order to raise children. In fact, today a great majority (almost 80 per cent) of women doctors in Canada are in active practice, as we have mentioned in the Chapter on the economy.

### *Vocational Training*

37. Female enrolment in publicly sponsored post-secondary technical courses increased from 5.7 per cent of total enrolment (male and female) in 1961-62 to 19.4 per cent in 1967-68.<sup>20</sup> The most striking changes in specialization at this level of education from 1961 to 1968 have been an increase in the percentage of women students enrolled in medical and dental technology and a corresponding decrease in their enrolment in home economics and food technology.

38. Female enrolment in trade schools tends to be concentrated in a few areas. These schools, established and run with the co-operation of the federal government and the provincial departments of education, give retraining or refresher courses for adults and provide training for young people beyond school-leaving age who have dropped out of the regular school system. In the last two years for which figures are available (1966-67 and 1967-68), trade school courses that have attracted most girls and women were, in decreasing order: business practice, nursing aides, power sewing, hairdressing and beauty culture, accounting and bookkeeping, domestic training and homemaking, waitress training, home economics and dietetics, and commercial art.

39. Female enrolment in private trade schools, when considered as a percentage of the total, has also risen from 39.1 per cent in 1961-62 to 60.3 per cent in 1966-67. Although a wide range of courses is available in these schools, women tend to concentrate either in fashion and millinery or barbering and hairdressing. The narrow range of courses in which they enroll can in general be accounted for by the sex-typing of occupations.

<sup>18</sup> Fish, David G. and Frances A. Neish. "Medical Students in Canadian Universities, Report of Statistics, 1967-1968." *Canadian Medical Association Journal*. Vol. 98, no. 15, 1968, pp. 715, 716.

<sup>19</sup> Brief No. 302.

<sup>20</sup> In Canada, publicly sponsored post-secondary technical courses would cover those offered by institutes of technology and community colleges. These are usually at a higher level than courses offered in trade schools, although there is some over-lapping.



40. What are the variables that affect the educational enrolment and consequent occupational patterns of women? Why do so many girls complete junior matriculation and then drop out? Why do fewer girls than boys attend university? Do girls have educational equality of opportunity with boys? Do they have the freedom to choose occupations without undue pressure? The answers are complex, and no simple cause and effect relationships exist.

41. Although there is a relationship between academic achievement and intelligence, the higher marks of girls at the secondary school level do not necessarily mean that girls are more intelligent than boys. Nor is the preponderance of boys in the senior matriculation year and at university due to differences in capacity between the sexes. Tests measuring various aptitudes and abilities show some differences between the sexes but the scores also indicate wide differences among members of each sex group, and there is extensive overlapping between the groups.<sup>21</sup> Differences and similarities observed from objective measurements do not permit valid predictions of individual behaviour on the basis of sex alone. We must therefore look elsewhere to account for the different educational patterns of the sexes.

## Education and Stereotypes

42. As we pointed out in Chapter 1, society moulds children's perceptions of the world and of themselves. Boys are expected to be interested in sports, girls in cooking and babies and so dishes and a doll carriage are given to the little girl and a baseball glove to the little boy. Inevitably a nurse's outfit is given to the girl and a doctor's case to the boy.

43. Parents usually have the strongest influence on the sex-role development of their children. Mothers, who generally have the closest day-to-day contact with young children, are particularly influential. Studies<sup>22</sup> indicate that they may be more permissive with their sons than with their daughters. They may allow sons more freedom to engage in active, aggressive behaviour, while expecting their daughters to avoid verbal and physical aggression and to express dependency, passivity, and conformity.

44. The girl can learn what a woman is expected to do by watching her mother. The boy usually cannot watch his father's occupational activities which are in any case harder for a small child to understand than the mother's housework. While the girl readily sees her future career as wife

<sup>21</sup> Maccoby, Eleanor E. (ed.). *The Development of Sex Differences*. Stanford, California, Stanford University Press, 1966; Tyler, Leona. *The Psychology of Human Differences*. New York, Appleton-Century Crofts, 1965; Lewis, Edwin C. *Developing Women's Potential*. Ames, Iowa, Iowa State University Press, 1968.

<sup>22</sup> *Ibid.* Lewis, Edwin C. p. 22.

and mother, the boy must be more imaginative or aggressive in learning the scope of expected male roles. The boy may be influenced by the attributes of a male who combines the attitudes of his father and other men he knows or has read about.<sup>23</sup> Mothers at home all do the same thing, while fathers do many things. As a result, the boy may not identify with one particular activity as the girl does with the occupation of housewife and mother. Girls from families where mothers work outside the home often seem to have a less traditional concept of the woman's role.

45. By about the age of two, children are able to distinguish between male and female roles. By the time a girl starts school she has a relatively clear idea of what is considered feminine and knows what kind of behaviour is expected of her as a girl.<sup>24</sup> We urge Canadian parents to be especially sensitive to the individuality and aptitudes of both girls and boys. Parents must realize the importance of expanding the horizons of their daughters and learn to respect their aspirations and encourage their initiative.

46. Formal education further reinforces the sex-role differentiation established in early childhood. Schools and teachers, like parents, play an important part in this process. Although the elementary school curriculum is similar for both sexes, as a rule boys are segregated in shop and girls in home economics courses.

47. Common stereotypes of sex roles are reinforced in other ways at school. To investigate the models presented to children in elementary schools, we examined the sex-typing in some textbooks used in the teaching of reading, social studies, mathematics and guidance courses.

48. In the *Young Canada Reading Series*, used in Ontario and Alberta, the more versatile characters are almost invariably males. Pirates, Eskimos, Bible figures—interesting individuals in general—are seldom women. Boys in the stories are typically active and adventurous but the girls are not. In another series, the *Language Patterns Program*, used in Ontario, the father is often shown as an understanding and kind person who takes his children on interesting expeditions. The mother, on the other hand, stays at home to prepare the meals and to tell the children what is best for them. We found the reprimanding function of mothers in a variety of Canadian school books. It would be much more desirable if all the family were shown sharing expeditions, and both parents disciplining children.

49. Even in arithmetic textbooks there are examples of sex-typing. In one series of books for Grades 3 to 8, questions such as the following are asked:

<sup>23</sup> *Ibid.* p. 29.

<sup>24</sup> *Ibid.* p. 27.

"A girl can type about 48 words per minute. She has to type 2,468 words. Can she do this in 45 minutes?" or "A girl spent one-quarter of an hour sewing and one-quarter of an hour reading. What number of hours did she spend sewing and reading?"

50. In some specialized textbooks further evidence of sex-typing exists. In *Time for Gym*, a supplementary book sometimes available in Grades 1 and 2, only boys are shown in the gym. In another book recommended for Grade 2 level, in which various professions and social activities are illustrated, most of the professions refer only to men. The occupations shown as being open to women are: typist, secretary, school teacher, waitress, and librarian.

51. In some French-language textbooks used in Quebec, there is a similar portrayal of men's and women's roles. For example, in *Epine en fleur*, a reader for beginners, short sentences accompanying the illustrations differentiate sharply between the activities of boys and girls: "Olga is knitting a scarf", "Ida is rocking her doll", "Rene is climbing the wall", "Oscar will be a pilot". Girls are preparing to be only mothers and housekeepers, and are portrayed as passive, self-sacrificing and submissive. On the other hand boys are occupied in a variety of activities and are portrayed as adventurous and aggressive. Other textbooks for older children present similar ideas. In the French-language arithmetic textbooks, as in their English-language counterparts, the examples concern women and girls preoccupied with domestic affairs, and men and boys involved in a variety of activities. In textbooks used for family life education in Grades 6, 7 and 8, the maternal and domestic future of a girl is spelled out explicitly. She is almost exclusively concerned with housekeeping, cooking, and bringing up her children.

52. This analysis of sex role imagery in a representative selection of elementary school textbooks clearly indicates that a woman's creative and intellectual potential is either underplayed or ignored in the education of children from their earliest years. Although such influence may seem insignificant to an adult reader, it is important to remember that the readers are children and that they learn through models whom to imitate. The sex-roles described in these textbooks provide few challenging models for young girls and they fail to create a sense of community between men and women as fellow human beings.

53. The Commission deplores the use of textbooks that provide so little recognition of the capabilities of women. Therefore, **we recommend that the provinces and the territories adopt textbooks that portray women, as well as men, in diversified roles and occupations.**

54. The young girl identifies early with the traditional female role of wife and mother, reinforced as it is by social approval. At adolescence, when she learns of possible careers, she is often not ready to consider them seriously, partly because she has not grown up in the expectation of having a career of her own and partly because of the personal conflict of interest at this age between study and popularity with the opposite sex.

55. Although the attitudes of young people are changing, sometimes a girl still regards success in terms of appearance and personality rather than in terms of intelligence and ambition. The goal of marriage often becomes an alternative to aspirations in other fields and so she is much concerned about attracting boys. She is inclined to be careful about competing with them and to play down her intelligence and her ambitions. Early engagements or the marriage of friends may be envied. She accepts the popular conviction that, if a woman is not married, she would prefer to be while a man is a success whether or not he marries. The words bachelor and spinster elicit very different responses in our society. These attitudes are likely to be reinforced by her peer group which tends to be the most influential force in her life at this stage.

56. The Commission believes that the adolescent girl should be made aware of the fact that, in this day and age, marriage will not be the exclusive pre-occupation of her life. In the interests of a more equal partnership between women and men—in the family, at work and in the community—a girl needs an education which will open a wide range of options for her.

57. The educational level of a girl's parents and their socio-economic status also influence her opportunities for education. The education of the mother is particularly pertinent. In a 1966 study,<sup>25</sup> it was found that if both parents had completed no more than elementary school, only five per cent of their children completed university. If both father and mother had attended university, 51 per cent of their children attended university, and their other children completed secondary school. If only the father had gone to university, the majority of the sons did so, whereas the majority of daughters obtained only a secondary school education. The education of a mother has greater influence on a daughter than the education of a father: 49.7 per cent of the daughters of university educated mothers attended university while only 37.1 per cent of the daughters of university educated fathers attended university.

<sup>25</sup> Dominion Bureau of Statistics. *Special Labour Force Studies No. 7*. Cat. no. 71-512, Ottawa, Queen's Printer, October 1968, pp. 27 and 17.



### *Financial Aid for Students*

58. It takes determination to undertake higher education without some guaranteed financial support. A 1956 study<sup>26</sup> showed that, on an average, female university students came from higher income groups than their male counterparts. A 1962 study in one community<sup>27</sup> reported that girls from non-manual workers' homes stayed in school in about the same proportion as boys, but proportionately more girls from the homes of manual workers dropped out before senior matriculation. Only 18 per cent of the girls whose fathers were in manual occupations reached Grade 13 compared to 38 per cent of the boys.

59. Prevailing attitudes are responsible for these differences. Many people still question a girl's need for education, assuming that "she is only going to get married." In most families, if finances make it necessary to choose between further education for a girl and boy, the boy is given preference. In fact, the girl herself may consider it only fair that her brother should be the one to go on to university or professional school. If education is seen as a relative luxury for a girl when she could be out earning money, only girls from well-to-do families are likely to attend institutions of higher education.

60. A survey by the Dominion Bureau of Statistics, still in progress, indicates that, apart from higher costs for married students and some others at the graduate level, there is no substantial difference between the essential expenses of men and women students. Scholarships, bursaries and loans are available from various sources for students in institutions of higher learning. The same percentages of men and women receive scholarships and grants, but the men receive proportionately higher aggregate stipends.<sup>28</sup> Thirteen per cent of females and 19 per cent of males receive stipends in excess of \$600; four per cent of females and nine per cent of males receive stipends in excess of \$1,500.

61. The federal government moved into the field of financial aid for students in 1964 when, in conjunction with the provinces, it set up the Canada Student Loans Plan. Under this Plan, a student may borrow up to \$1,000 for one academic year and up to a total of \$5,000 for the entire educational

<sup>26</sup> Dominion Bureau of Statistics. *University Student Expenditure and Income in Canada, 1956-57*. Cat. no. 81-509, Ottawa, Queen's Printer, 1959.

<sup>27</sup> Canada Department of Labour, Research Program on the Training of Skilled Manpower. *Report No. 10, December 1962, Transition from School to Work*. Ottawa, Queen's Printer, 1963.

<sup>28</sup> Caron, Louise. *Post-Secondary Student Income and Expenditures in Canada, 1968-69*. A Report prepared for the Federal-Provincial Committee on Canada Student Loans, Department of Secretary of State, March 24, 1970.

period. The loan is interest free until six months after graduation, when repayments begin. A loan of \$5,000 is expected to be repaid within nine and a half years, and smaller loans in shorter periods.<sup>29</sup>

62. Some young women are reluctant to take advantage of student loans which have been called a negative dowry for those who marry before the debt to the government is paid. Nevertheless, Canadian women are increasingly borrowing under the Canada Student Loans Plan (see Chart 3). Their participation in this programme has increased from 25.7 per cent of the total in 1964-65 to 31.4 per cent in 1967-68. This latter figure is close to the proportion of women in the total enrolment of the universities.

63. Wise counselling is needed to convince young women hesitant to apply for loans that advanced education is the best dowry a bride can bring to her marriage since it constitutes a long-term investment for the future.

64. Young people are often handicapped by lack of information about possible financial aid for further education. Even at the elementary school level this information should be advertised to pupils and their parents.

65. The most striking difference between the finances of women and men students occurs in "total personal revenue", that is, income from part-time work, summer savings, gifts from relatives other than parents, and spouses' income. Men are more likely than women to have personal revenue and to have it in greater amounts.

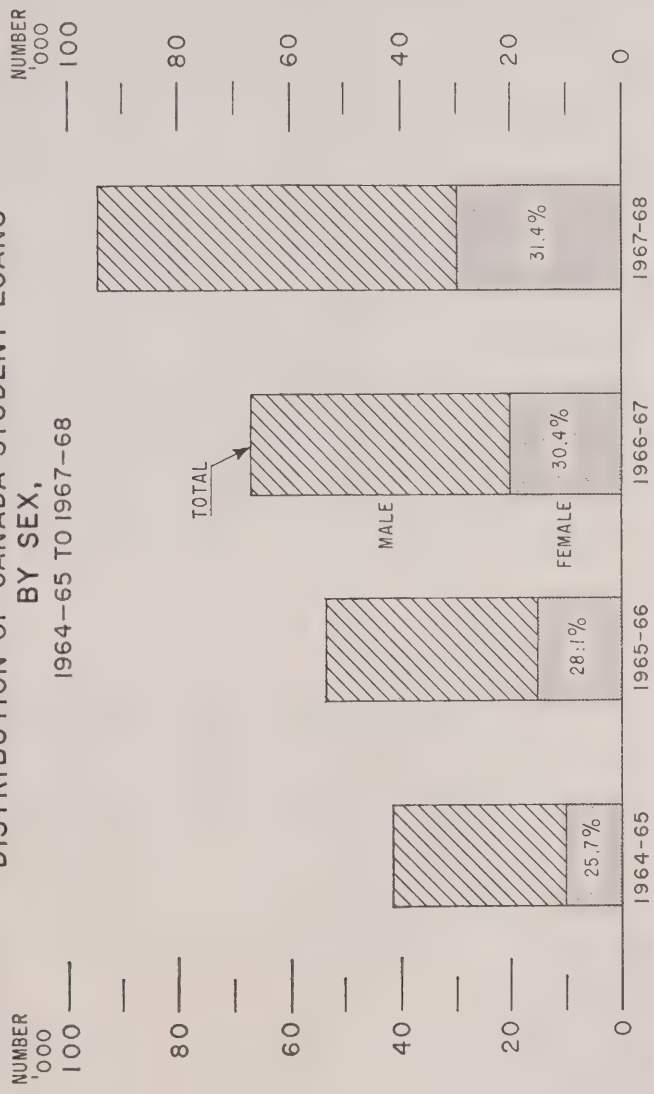
66. Earnings from summer employment, which account for a substantial part of this difference, reflect women's greater difficulty in obtaining jobs. A survey of summer earnings, made by the Department of Manpower and Immigration in 1969, showed that 10 per cent of female students compared with five per cent of male students were unable to find summer jobs.

67. Parental contributions are the one source of income that shows a higher median value for women than for men. Sixty-two per cent of women compared with 48 per cent of men receive cash contributions from their parents. The median contribution to women is \$54 higher than that to men. In short, women students earn less during the summer than their male counterparts and are more dependent on their parents for financial support.

68. For many years, the Department of National Defence has operated military colleges where thousands of young men in training as officers for the Armed Forces have received free university education in arts, science or engineering, including living expenses. They graduate with an officer's commission. They are committed to serve four years after graduation, except

<sup>29</sup> Department of Finance. *Canada Student Loans Plan*. July 1969.

DISTRIBUTION OF CANADA STUDENT LOANS  
BY SEX,  
1964-65 TO 1967-68



Source: 1. Department of Finance, Canada Student Loans Plan Annual Report 1964-65. Table 7. Distribution of Student Borrowers by Age, Sex and Marital Status, p. 16.  
2. Ibid. 1965-66. Table 4. Distribution of Certificate Holders by Age and Level of Study, Sex and Marital Status, pp. 14-15.  
3. Ibid. 1966-67 Table 4. Distribution of Certificates by Age and Level of Study, Sex and Marital Status, pp. 16-17.  
4. Ibid. 1967-68 Table 4. Distribution of Certificates by Age and Level of Study, Sex and Marital Status, pp. 18-19.

for pilots who serve five years after acquiring wing standards. Currently, every year about 450 men, but no women, are admitted to these colleges. Therefore, **we recommend that women as well as men be admitted to the military colleges operated by the Department of National Defence.**

69. The Canadian Forces also offer subsidized training in universities with the requirement that the student remain in the Services for a stated period after graduation. The number of students who enroll in this type of training yearly varies between 100 and 300, depending on the needs of the Services. A few women have received training under the plan.

70. Canada has found it worthwhile to pay a high price for the benefit of having the trained officers necessary for its national defence. Young women and men could be trained by the government to render other services. For example, it might be possible to organize a system to train specialists for work in the Canadian north or other developing areas at home or abroad. The advantage for society would be comparable and the length of service equivalent. Therefore, **we recommend that the federal government provide special funds for young women and men to acquire university education, such as is provided for young men who attend military college, leading to a degree in fields designated to be of special interest for aid to developing areas, the terms to include commitment to some specified national or international service.**

### *Motivation*

71. The desire to succeed also affects educational and occupational attainment. Research into what leads to high motivation indicates that child-rearing practices and family values are relevant. Training a child to be independent and self-reliant is an encouragement to high achievement.<sup>30</sup> When children succeed, they usually expect to do so again and are likely to set a still higher goal. Failure has the opposite effect. Social approval, in the form of praise, also encourages further achievement.

72. The existence of inspirational models also affects a child's desire for achievement. Men in high positions in business and public life serve as models for boys, but there are few such models for girls. The expectations of girls are consequently limited.

73. While they are still in school, girls tend to have low occupational expectations, even when they express interest in more challenging fields. Responses to a recent survey<sup>31</sup> based on a national sample showed, for

<sup>30</sup> Secord, Paul F. and Carl W. Backman. *Social Psychology*. New York, McGraw-Hill, 1964, pp. 568-9.

<sup>31</sup> Breton, Raymond and John C. McDonald. *Career Decisions of Canadian Youth*. Vol. 1, Department of Manpower and Immigration study, Ottawa, Queen's Printer, 1967, p. 117.



example, that although only 18 per cent of fourth-year high school girls preferred sales and clerical careers, 32 per cent seemed to assume that they would eventually work in these fields. According to the results of the survey, the careers boys want are closer to those they expect to have.

74. Another reason for the interruption of a girl's education is the ease with which she can get a job even though she may have relatively little formal schooling. Employers will often employ girls more readily than boys in low-paid industrial or office jobs that require limited training.<sup>32</sup>

75. The educational decisions and occupational choices of girls are influenced by the sex-typing of occupations. In most societies, certain practices tend to support the patterns set by custom and tradition. Rewards and punishments of various kinds may be brought into play. Ridicule may be a penalty: a girl may be called unfeminine if she chooses a field of study or work traditionally considered masculine. It will probably be difficult for her to get a job or promotion in an occupation in which men predominate. On the other hand, if a girl chooses a traditionally female occupation she does not encounter criticism and is readily accepted at work.<sup>33</sup>

76. Girls need special help in overcoming these pressures of society. Early in their lives they must be shown the implications of educational choices, the wide options from which they can choose, and the way that custom has created divisions of work between men and women. This help should come from their families, teachers and guidance counsellors.

77. Although guidance specialists are increasingly employed in high schools and to a lesser extent in elementary schools, there are not nearly enough of them. During the hearings of the Commission, we were told repeatedly that girls needed better counselling and more up-to-date occupational information for career planning to help them plan long range educational programmes. Throughout Canada, there is a shortage of competent, trained counsellors at all levels. In 1968, none of the provincial Directors of Guidance felt that there were enough counsellors at either elementary or secondary levels. For example, in Nova Scotia in 1968 we were told that three times as many counsellors were needed as were available.

78. Students also seem dissatisfied with the quality of the existing guidance programmes. Many girls have been encouraged to consider either marriage or a career but not both. Others thought that the guidance teachers were

*Loc. cit. Transition from School to Work.*

Hall, Oswald. "Gender and the Division of Labour". *Report of a Round Table Conference on the Implications of Traditional Divisions between Men's Work and Women's Work in our Society.* held on March 12, 1964, Ottawa, Women's Bureau, Canada Department of Labour, 1964, pp. 18-32.

oriented towards academic courses and had limited experience in technical programmes. Others felt that some guidance specialists agreed with traditional patterns of male and female roles and discouraged girls from considering a greater range of possibilities. In some schools, female counsellors saw only girls and male counsellors only boys, but this practice of assigning counsellors according to sex seems to be disappearing.

79. Counsellors often find it hard to make adolescent girls think beyond the romantic notion of marriage as the only worthwhile goal. It is not always easy for a young woman, intent on marriage, to see herself as the working woman of tomorrow. Counsellors can nevertheless play a key part in helping a girl to understand the life cycles of women today and the need to work out long-term life plans as boys do. They can point out that she has the possibility of combining marriage and outside work, and the opportunity of being useful to society.

80. Written materials on careers should also be available to girls and their parents. In many of the books and pamphlets now used, we found deficiencies similar to those in elementary school textbooks. However, we did find some guidance material with the approach which we consider desirable.

81. The book *Spotlights in Guidance*,<sup>34</sup> approved by the Ontario Department of Education for use in Grades 7 to 10, has in our opinion a good orientation. In a chapter devoted to careers for women it is taken for granted that all occupations are open to them, and career planning is considered to be as important for girls as for boys. The Women's Bureau of the Ontario Department of Labour publishes an excellent pamphlet, *You're a What?*, containing anecdotes about the career plans and successes of 10 young women whose occupations ranged from forester to graphic designer. Marriage and family plans are referred to realistically.

82. A monograph entitled *Fields of Work for Women*, published by the Women's Bureau of the Canada Department of Labour in 1964, emphasizes that a girl should be free from pressures to conform in her choice of an occupation. It includes suggestions for stimulating early scientific interests and selects as models Canadian women recognized for their work in science.

83. Some Canadian government documents perpetuate the usual stereotypes. In the main, career opportunities for men are highlighted, and those that might be available to women are either not emphasized or ignored entirely. Illustrations of women at work usually show a stenographer-typist. For example, the cover of a federal government publication, *Public Administrators and Foreign Service Officers*, shows a male executive dictating

<sup>34</sup> Elder, Brewer, Huff. *Spotlights in Guidance*. Toronto, McGraw-Hill, 1966.

to his female secretary. Since no other women are shown, it can lead to the assumption that this is the only role for women in the foreign service of the nation. *Airport Campus*, published by the Department of Transport, states that there are numerous opportunities for both men and women, but all the illustrations are of men and the text contains no other reference to women.

84. Similar brochures are published in industry. For example, the Sun Life Assurance Company of Canada distributes a pamphlet called *What's In Your Future? A Guide to Choosing a Career*. The front cover shows a physician, an engineer, a laboratory technician—all men—and a typist, the only woman.

85. As in the case of textbooks, we believe guidance materials should be reviewed and where necessary amended to broaden the occupational outlook of girls and women. Therefore, **we recommend that the federal government, the provinces and the territories set up committees to review all government publications concerned with the choice of occupations and careers in order to select and use only publications that encourage women to consider all occupations, including those which have been traditionally restricted to men.**

86. The changing demands of today make skilled counselling necessary at all levels of education and high priority should be given to the employment of counsellors. As long ago as 1958, the National Defence Education Act was passed in the United States providing for training of secondary school guidance counsellors, and grants were made to the states for guidance, counselling and testing services.

87. The provision of good career orientation courses for girls is one of the most effective ways of improving the status of women. In Canada, there is a shortage of counselling staff at the university level as well as at the secondary level. A preliminary survey in 1967 revealed that about one-quarter of the universities in Canada had no formal counselling services. Of those that did, there was an average of one full-time counsellor for about 1,600 undergraduate students. Plans for improving this situation were considered inadequate.<sup>35</sup> Therefore, **we recommend that the provinces and territories (a) provide co-educational guidance programmes in elementary and secondary schools, where they do not now exist and (b) direct the attention of guidance counsellors to the importance of encouraging both girls and boys to continue their education according to their individual aptitudes and to consider all occupational fields.**

<sup>35</sup> Appleby, Dee. G. *A Report on University Counselling Services*. University Counselling Association (Canadian), 1967.

88. Further, we recommend that, where they have not already done so, universities establish formal counselling services.

89. It is necessary for counsellors to be kept informed of the future labour market needs. The federal government, through the Department of Manpower and Immigration, should give leadership in seeking ways to improve counselling services. The Department is directly interested in enabling the labour force supply to meet the demand and should be well equipped to forecast the future needs of the labour market.

90. Therefore, we recommend that (a) the federal government in co-operation with the provinces and territories set up a career information service in each local Canada Manpower Centre which would

(i) include personnel specially trained to give information to women on occupations, training requirements, financial help available, and labour market conditions and needs, and

(ii) insist on the importance of a broad field of occupational choice for girls;

and (b) subject to consultation and agreement with the educational authorities, this career information service be offered to all schools of the area.

### *Family Life Education*

91. Few subjects in the school curriculum influence concepts of sex roles as do sex education and what is sometimes called "family life" education. By the time they receive these courses, most children have already absorbed a great deal of information about sex, some of it based on ignorance, distorted attitudes, and outright exploitation of sex. "Any so called 'sex education' in schools must deal with what could better be called 'sex-re-education'—because basic attitudes to sex . . . are formed so early."<sup>36</sup>

92. Sex education in Canadian schools is haphazard and random. Some provinces encourage its inclusion more than others, but the extent to which it is incorporated in any school programme depends on the policy of the local school board and the interest, initiative, and competence of individual principals and teachers. The need for more adequate sex education in schools was stressed in a number of briefs submitted to the Commission and we urge schools to meet this need.

<sup>36</sup> Neiger, Dr. Stephen. "Sex Education in our Schools." *Canadian Magazine*. Toronto, March 1, 1969, p. 8.



93. Much of what is called sex education consists in giving merely biological information. What is needed is a family life programme on traditional and changing concepts of masculinity and femininity and of relationships between boys and girls, men and women, husbands and wives, parents and children. Such an approach, which brings the biological, psychological and social aspects of sexuality within one framework, would develop understanding of similarities and differences between the sexes that are often distorted by social attitudes and practices.

94. The success of a family life education programme depends on the outlook of its teachers. Teachers may need help in recognizing their own attitudes and prejudices and in questioning their own conceptions of sex differences and of the relationships and responsibilities of marriage partners. They should be chosen for their ability to present ideas effectively, to establish a climate that allows for free discussion, and to listen and respond to the concerns of students. They should be trained to have a critical understanding of the past and present roles of the sexes. If necessary, competent authorities, with a thorough knowledge of the wide variety of topics to be considered, should be brought in from outside the school faculty to give the courses. Throughout the programme the equality of the contribution of women and men to society should be emphasized.

95. Family life education for girls has usually been incorporated in health or home economics courses from which male students are excluded. Many traditional attitudes towards sex are reinforced if such courses are given to boys and girls separately or if boys are excluded from them.

96. Family life education should teach boys how to care for children, to cook and sew, and should encourage girls to acquire manual skills. We believe that family life education classes should be co-educational and should begin at kindergarten level. Therefore, **we recommend that, where they have not already done so, the provinces and the territories set up courses in family life education, including sex education, which begin in kindergarten and continue through elementary and secondary school, and which are taught to girls and boys in the same classroom.**

#### *Physical Education and Sports*

97. Girls and women have traditionally engaged in athletic activities to a more limited extent than boys and men. This has been so both in terms of their rate of participation and in terms of the number of sports in which they take part. We believe this should no longer be accepted as a matter of

course. A recent study<sup>37</sup> headed by a University of Toronto physiologist suggests that lack of activity and consequent poor heart-lung fitness is a more serious problem in girls than in boys. Furthermore, in failing to participate in group and team activities, many girls are missing an important means of learning habits, attitudes and skills that would be helpful in their relationships with others.

98. In general, provision for physical education is more adequate in secondary schools than in elementary schools. In secondary schools, the length of time devoted to physical education during school hours is usually the same for girls and boys. The intramural and intercollegiate sports programmes of these schools, however, are less extensive for girls. This is also the case at universities.

99. Outside the school programmes, girls also have less opportunity than boys to engage in physical activities. Ball parks, ice rinks with scheduled hockey practice, and summer team sports are almost the exclusive province of boys. We know of no programme for girls, for example, that includes the numbers of participants as those included in Little League Baseball or the variety of hockey leagues open to boys.

100. There are probably various reasons for the limited sports programmes for girls and one of these reasons may be lack of motivation on their part. If this is the case, we believe the importance of athletic activities calls for a special effort to motivate girls. Some parents, educators and communities will need to change their opinions regarding the value of athletic sports for girls. They should encourage girls to enter team sports. The limited number of sports available for girls may also be contributing to their lack of motivation. Perhaps more attention will have to be paid to introducing a greater variety of athletic games for girls that will satisfy individual skills and interests and will make sports programmes more challenging.

101. There is some evidence that girls and women tend to achieve success through individual rather than groups sports. This has certainly been the case at the international level where many of Canada's outstanding athletes have been women competing on an individual basis and not as teams. If it is the case that women have a greater interest in individual sports, they should be given greater opportunities to learn these sports through the schools. Where this is not economically feasible, physical education programmes should provide activities that will prepare them for sports they may be likely to undertake outside of school or as adults. We have noted that, as a result of the report of the Task Force on Sports,<sup>38</sup> in 1970 a team of two women and three

<sup>37</sup> Shephard, R. G. *et al.* "The Working Capacity of Toronto School Children, Part II." *The Canadian Medical Association Journal*. Vol. 100, no. 15, April 19, 1969, pp. 709-710.

<sup>38</sup> Task Force on Sports for Canadians. *Report*. Ottawa, Queen's Printer, 1969.

men, designated as the Cross Canada Sports Demonstration, began travelling through Canada to promote participation in sports, especially track and field, gymnastics and hockey. We hope this programme will take into account the needs of girls and women and will stimulate schools and communities to encourage their participation.

102. Two of the reasons for fewer sports programmes for women may be the existing shortage of qualified physical education teachers and lack of funds. Both of these obstacles should be eliminated. We do not believe that only women physical education teachers should teach physical education to girls. However, there are more male than female teachers in this field and a more challenging physical education programme for girls would make this field more attractive to women. If girls and boys are to have equal opportunities in physical education, available funds for programmes should be shared on an equal basis. We believe, too, that schools have a responsibility to encourage the greater participation of girls in athletic activities. Therefore, **we recommend that the provinces and territories (a) review their policies and practices to ensure that school programmes provide girls with equal opportunities with boys to participate in athletic and sports activities, and (b) establish policies and practices that will motivate and encourage girls to engage in athletic and sports activities.**

103. It is evident that if greater participation of girls in athletic activities is to be achieved, the reasons for their lack of participation must be identified. Under the terms of the federal Fitness and Amateur Sport Act, the federal government has an interest in encouraging, promoting and developing fitness and amateur sport in Canada. Section 3 (d) of the Act authorizes the Minister of National Health and Welfare to "undertake or assist in research or surveys in respect of fitness and amateur sport." We believe this authority should be used to determine why the participation of girls in athletic activities is so limited. Therefore, **we recommend that, pursuant to section 3 (d) of the federal Fitness and Amateur Sport Act, a research project be undertaken to (a) determine why fewer girls than boys participate in sports programmes at the school level and (b) recommend remedial action.**

### **Continuing Education**

104. During the last 10 years, a revolutionary change has taken place in education which promises greatly extended opportunities for women. Because of accelerating technological change, learning more than ever before is regarded as a continuing process throughout life. In the past, educational institutions, engrossed in the education of the young, were slow to acknowledge



the potential as well as the special problems of adults, while today they are aware of the need to encompass and encourage mature students. Women who have been "only a housewife" and now seek a new way of life and women and men whose jobs have been altered or eliminated are taking advantage of a second chance for education.

105. The interests of adult students range from training for a new career to perfecting skills in an interesting hobby. Some women are acquiring basic job skills through the vocational upgrading or training provided under the Occupational Training for Adults programme of the Department of Manpower and Immigration. Many are working for a university degree, taking refresher courses or studying for a profession. Others are taking a variety of courses, which may or may not lead to certification, because they feel out of step with the times and want more training and knowledge. "There are hundreds of thousands of adults in Canada who take part in well-organized, often long-term, programs that do not lead to any form of certification, but to the satisfaction of being able to do something well, to understand something not understood before, to feel or experience something that was neither felt nor experienced before."<sup>39</sup>

106. Adults usually have multiple responsibilities—at home, at work, in the community—and "must undertake their learning as marginal students."<sup>40</sup> They need part-time programmes, flexible time-tables and plenty of encouragement. In their childhood, school was often a formidable undertaking. These attitudes are now "fortunately disappearing", but "... in rural parts of Canada they are still held to some degree both by adults and institutions."<sup>41</sup>

107. It is often difficult for a woman to continue her formal education after she has been married for some years. The president<sup>42</sup> of Mount St. Vincent University in Halifax spoke about this when presenting a brief<sup>43</sup> during the Commission's public hearings: "... the women who are returning to the university have shown us that there are problems that three years ago we did not know existed. We thought it was just a case of providing courses. . . but the married woman coming back to the university is not the woman who left university in terms of security, of aggressiveness, of being aware that she is a person, or an individual who is independent. . . it is quite evident that during the period of time away from the university and within the complementary relationship of marriage, the woman has let it do something to her that makes her less a total person by herself."

<sup>39</sup> Thomas, Alan M. (former Executive Director of the Canadian Association for Adult Education) "The Adult Student." *Education* 8:2. Toronto, W. J. Gage Limited, 1970, p. 10.

<sup>40</sup> *Loc. cit.*

<sup>41</sup> *Ibid.* p. 12.

<sup>42</sup> Sister Catherine Wallace.

<sup>43</sup> Brief No. 350.



108. The married woman in search of further education is confronted by conflicting interests and responsibilities as well as, in some cases, her husband's incomprehension and opposition. She needs help in overcoming her lack of self-confidence as well as information about educational facilities and promising job opportunities. Moreover, since the step she is contemplating may go against her generation's accepted ideas of a woman's role, perhaps most of all she needs to be taken seriously. If she is living in a rural environment, her situation may be even more difficult than if she were in an urban setting because few educational facilities are readily available. If she is a new immigrant, her problems may be magnified by lack of facility in either one of Canada's official languages, by cultural differences or by training that is little valued in Canada.

109. Orientation to the world of work is especially helpful to women who want to enter or re-enter the labour force after years devoted to family responsibilities. Most of them are over 30 years old, many are over 40, and some are in their early fifties. Counselling and guidance courses should include an overview of the labour market with information about training opportunities, working conditions and wages, job-hunting techniques, and ways to adjust family responsibilities when in paid employment. In this way a woman can gain a more realistic understanding of the world of work and an opportunity to assess herself while she plans her future. It is often helpful if husbands join discussions about changed patterns of family living.

110. In many parts of Canada, agencies and institutions are trying to meet the special counselling needs of women by providing individual interviews and aptitude testing or by working with groups. For example, the Careers Centre of the Women's Bureau of the Ontario Department of Labour, set up in Toronto in 1967, offers a counselling service for mature women with at least high school education who wish to return to the labour force. After two years it reported <sup>44</sup> on the motivation and aspirations of comparatively well-educated women who wish to return to work after a period devoted to family responsibilities. The service is being extended through use of mobile units to several other cities such as London, Hamilton and Windsor.

111. "Vistas for Women," a programme organized by the Montreal YWCA, offers a personal interview with a professional consultant familiar with community resources. A useful aspect of the service is the provision for continuing consultation by subsequent interviews or by telephone.

<sup>44</sup> Ontario Department of Labour, Women's Bureau. *Women Returning to the Labour Force*. Toronto, 1969.

112. Some counselling services give advice to both women and men. For example, the Calgary School Board, for a nominal charge, helps adults to evaluate their formal educational standing and to choose courses for further education or for specific careers. Several colleges of applied arts and technology offer similar general services.

113. The group approach combined with individual interviews has been used chiefly in programmes for orientation to education and employment. One of the first of these was offered by Joseph E. Atkinson College of York University.<sup>45</sup> Lectures and discussions on the dilemma of the mature woman in today's society were followed by seminars on the occupations which attract such women. This programme met with an enthusiastic response. Afterwards the majority of the students continued their education at secondary or university level or in a professional school. Some entered the labour force and others undertook voluntary service in the community.

114. In Vancouver, in 1969, a 12-week pilot project provided pre-employment training and group counselling for 15 women, all of them welfare applicants and each the mother of several children, who had applied to Canada Manpower for work or training. It was organized by Canada Department of Manpower, the British Columbia Department of Social Welfare, the British Columbia Department of Education, the Vancouver School Board and community development workers in the public housing projects where the women lived. The course was intended to build up their self-confidence, improve their basic English and mathematics, and help them to plan their household management and personal development. They were also given information about business and industry, and taught how to apply for a job. Manpower paid for the programme but paid no subsistence allowance to the women so that their qualifications for welfare, including housing priorities and medical benefits, were unaffected. They were given day-care service for young children and bus fare to and from classes. When they had finished the course, some of them took job training under the terms of the federal Adult Occupational Training Act.

115. Although counselling services in Canadian universities and community colleges are generally inadequate, some universities and colleges are developing services for the increasing number of mature women students on campus.

116. At the University of British Columbia, women students, regardless of age, may consult counselling services in the office of the Dean of

<sup>45</sup> Royce, Marion. *Continuing Education for Women in Canada. Trends and Opportunities*. Toronto, The Ontario Institute for Studies in Education, 1969, pp. 58-62.

Women.<sup>46</sup> After personal interviews and a campus survey indicated that most mature women students have similar problems, group discussions were arranged by the Dean. Later, the students themselves formed an organization called Continuing University Education. Members of CUE work to improve university conditions for mature students, to obtain grants from community organizations and to encourage effective participation in university and community affairs.

117. It has been brought to the Commission's attention that frequently the counselling provided through local offices of the Canada Department of Manpower does not effectively meet the needs of mature women. Not all of the approximately 3,500 counsellors employed by Manpower across the country have had professional training although all receive on-the-job training. Manpower offices offer some testing services to help clients choose suitable occupations, but there is no formal programme for assisting them to adjust to their new work.

118. Counsellors should be aware of the changing pattern of women's lives, the cultural basis of the sex-typing of occupations, and the factors relating to motivation and to the goals and expectations of women. They should also have an opportunity from time to time to examine their own attitudes towards the whole question of social equality between men and women. We suggest that the federal government, through the Department of Manpower, set up a continuing programme of training for all its counsellors to ensure that they are kept fully aware of the changing life patterns of women and the problems of women in relation to the labour force.

119. During the fiscal year 1968-1969, some 135,000 men and 30,000 women received training under the federal Adult Occupational Training Act of 1967. Administered by the Department of Manpower and Immigration, this programme is designed to increase through training the earning capacities and employment opportunities of under-employed and unemployed adults. To be eligible for training, a person must be at least one year older than the school leaving age of his province and have been out of school for at least one year. Applicants must have an occupational objective in mind as well.

120. The Act provides for full-time courses of not more than 52 weeks and part-time courses up to 1820 hours. Any form of instruction, other than that designed for university credit, can be given.

121. The greatest part of the training takes place in public vocational and technical training institutions and is carried out on behalf of the Department of Manpower and Immigration under federal-provincial agreements. Since the

<sup>46</sup> *Ibid.* pp. 8-12.

department pays 100 per cent of the costs of this training, the courses are described as "purchased" by the department or as the "general purchase programme." A relatively small number of courses are also given through private training institutions and by employers and the department enters into contracts for apprenticeship training. In addition to receiving free instruction, trainees who have been in the labour force for at least three years or have one or more dependants are eligible for allowances while they are enrolled in courses.

122. Table 2 and Chart 4 show the total and female enrolment by province and territory in the full-time general purchase programme during the first fiscal year in which the Act was in effect and in the following fiscal year. Chart 5 gives the percentage distribution of trainees in the full-time general purchase programme by sex and marital status for the same periods.

123. For both years, the median age of female trainees was around 26 years and the median age of male trainees around 28 years. The younger age of female trainees may result from the fact that fewer married women than single women participate in the programme. This is not the case with men. A random sample survey suggests that women's drop-out rate on courses is lower than men's.

124. In the Chapter on the economy, we discussed the need for greater use of the skills and abilities of women in the labour force and for a widening of their opportunities in employment. The objectives of the Occupational Training for Adults Programme for the whole population are very similar to these objectives and it is therefore in a position to make a significant contribution toward improving women's situation in employment. It can also help to solve a problem which is particularly acute for women. Many married women are absent from the labour force for long periods and often find their skills are lost or obsolete when they return to work. The Programme provides a means for up-dating former skills and learning new ones.

125. Since the inception of the Programme, the proportion of trainees who have been women has been well below the proportion of the labour force that has been women. Women's earnings are lower than men's and their employment opportunities more limited and, purely in the light of the objectives of the Programme, this discrepancy should not exist.

126. No information is available on the causes for the proportionally lower representation of women than men in the courses. We are concerned that some women may not be applying for training because they are unaware of the Programme. This may well be the case with married women who have not been working for a number of years and wish to return to the labour force. We are convinced that some women want to engage in paid work



Table 2. Percentage of Women Enrolled in Full-Time General Purchase Programme,  
by Province and Territories, 1967-68 and 1968-69

	Nfld.	P.E.I.	N.S.	N.B.	P.Q.	Ont.	Man.	Sask.	Alta.*	B.C.	Yukon	Canada
1967-68												
No. of Females.....	116	179	449	277	3,478	7,068	848	668	1,078	1,026	65	15,261
Total.....	2,268	1,347	3,256	1,995	21,077	24,542	3,505	2,334	4,097	3,561	132	68,130
Percentage of Females.....	5	13	14	14	17	29	24	29	26	29	49	22
1968-69												
No. of Females.....	434	246	649	608	10,259	12,871	1,134	933	1,599	1,255	2	30,034
Total.....	4,099	1,483	5,914	5,266	52,724	44,714	4,994	3,291	4,831	5,111	6	132,615
Percentage of Females.....	11	17	11	12	19	29	23	28	33	25	25	23

\*Includes the Northwest Territories.

SOURCE: Based on unpublished data received from the Program Development Service, Department of Manpower and Immigration.

CHART—4

# PERCENTAGE OF WOMEN ENROLLED IN FULL-TIME GENERAL PURCHASE PROGRAMME, 1967-68 AND 1968-69

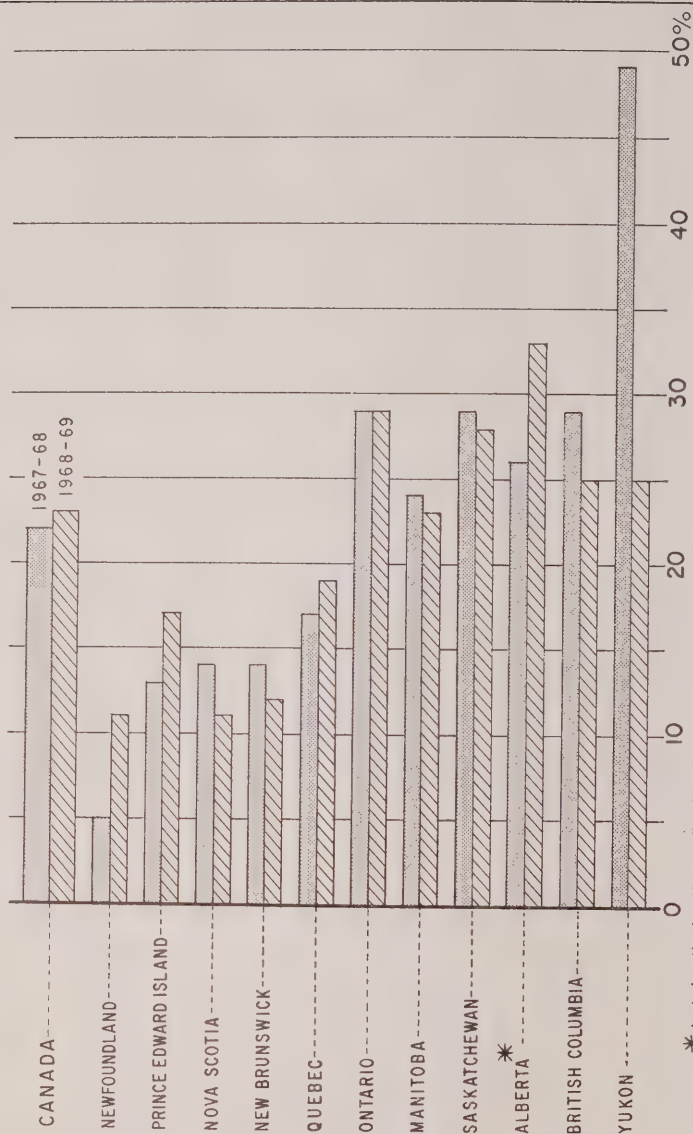
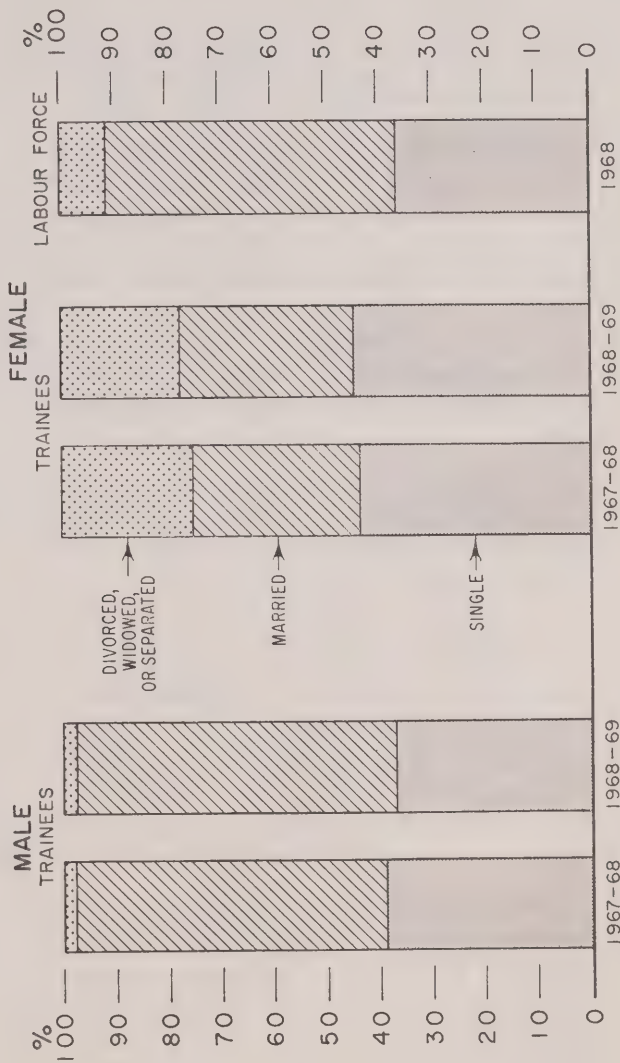


CHART - 5

PERCENTAGE DISTRIBUTION OF MALE AND FEMALE TRAINEES  
BY MARITAL STATUS, 1967-68 AND 1968-69



Source: Based on unpublished data received from the Program Development Service, Department of Manpower and Immigration. "Marital Status of Trainees in general purchase programs."  
Data for this chart will be found in the Appendix, Table A-10.

but hesitate to enter the labour force because they lack training, recent experience, or their skills are outmoded. It is important for the sake of the Canadian economy that this source of manpower is not ignored. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, ensure that information on the federal Occupational Training for Adults Programme reaches women outside the labour force as well as those employed or actively seeking employment.**

127. In the first fiscal year in which the Programme was in operation, women represented 26 per cent of trainees taking part-time courses and only 18 per cent of those taking full-time courses. During the hearings of the Commission there was a recurring demand for part-time training that would fit in with a woman's other responsibilities more readily than full-time courses. A shortage of part-time courses may be a factor in women's lower enrolment. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, expand and widely advertise the part-time training programmes offered by the Department of Manpower and Immigration.**

128. As Chart 5 indicates, for the fiscal years 1967-68 and 1968-69, the percentage of female trainees who were single exceeded the percentage of female trainees who were married. Yet in 1968 slightly more than half the women in the labour force were married.

129. There is one provision in the Adult Occupational Training Act that may be adversely affecting the enrolment of married women. Allowances are paid only to those who have been in the labour force for at least three years or who have one or more dependants. Many women leave the labour force to marry before they have worked three years and their children will in most cases be dependants of their husbands. Moreover, the Act and its Regulations have sometimes been interpreted to require that the three years in the labour force be immediately prior to the application for training.

130. Of the trainees enrolled in full-time general purchase courses for 1967-68, 87 per cent of the single males and 98 per cent of the married males received allowances. Eighty-four per cent of the single women received allowances and only 80 per cent of the married women. Most married women work for economic reasons and therefore many who wish training will not be able to take time away from home to attend courses unless they have some income to provide for the care of their children or to meet other expenses that may be involved. We believe years working full-time in the home should be counted as the same as years spent in paid employment. Therefore, **we recommend that section 3 (b) of the federal Adult Occupa-**



tional Training Act be amended so that full-time household responsibility be equivalent to participation in the labour force in so far as eligibility for training allowances is concerned.

131. There is no evidence that the lower representation of women on courses results from preferential treatment of men. There is, however, some evidence that the percentage of trainees who are women tends to be lower in economically depressed regions. If Canada's commitment to equality of employment opportunity for women is to be met, the economic situation should not be used as grounds for giving women a lower priority than men for training.

132. We understand that, in selecting people for training, Manpower Centres assess not only their capacity to work at a higher level or enter a new field, but also the opportunities for employment in the areas toward which the training is directed. Therefore, we believe care must be continually exercised not to let the sex of the applicant have a bearing on the decision reached on the feasibility of training. We have seen in the Chapter on the economy that the employment capacities of women are not always understood and that there is a fairly common tendency to sex-type occupations. As Table 3 indicates, occupational segregation by sex is being perpetuated in the Occupational Training for Adults Programme.

Table 3. Percentages of Females Enrolled in Training within each Course Group

Course Group	1967-68	1968-69
I Educational Upgrading, Language, Orientation.....	19.8	22.4
II Management, Professional and Technical*.....	11.8	12.9
III Clerical and Sales.....	78.7	72.6
IV Service and Recreation.....	49.4	50.6
V Transportation and Communication.....	0.1	0.0
VI Farmers and Farm Workers.....	0.0	0.9
VII Other primary.....	1.4	0.0
VIII Craftsmen**.....	30.9	26.9
IX Machinists, Plumbers, Sheet Metal.....	0.0	0.1
X Mechanics and Repairmen.....	0.0	0.1
XI Craftsmen† Labourers.....	1.8	2.1
Total percentage of females.....	22.3	22.6
Total Numbers, Females.....	15,726	29,849

SOURCE: Based on Data (unpublished) received from the Program Development Service, Department of Manpower and Immigration.

\*Includes X-ray technicians, aeronautical technicians, training in banking, small business management, hotel and motel management.

\*\*Includes millers, bakers, butchers, leatherworkers, shoemakers, tailors, dressmakers, furriers, upholsterers, carpenters, cabinet makers, papermakers, printers.

†Includes electricians, painters, construction and trowel trades, stationary engineers, heavy equipment operators, and other production process workers.

133. This perpetuation of occupational segregation by sex may result from the choices that women make themselves, from traditional views of Manpower Centres on the nature of training that should be given to women or from sex preferences of employers. It is important that women be made aware by Manpower Centres of the kind of training for which they have the potential so that their occupational horizons will be widened. Manpower Centres should ensure that they are not influenced by traditional views of women's capacities or by sex preferences of employers. If, for example, there are employment opportunities in management, management training should be given to those with the greatest management potential. Sex preferences of employers should be dealt with through fair employment practices legislation.

134. In the light of its objectives, the Occupational Training for Adults Programme has a share in the responsibility for improving the employment qualifications of women and the use made of their skills and abilities. Therefore, we recommend that the federal Department of Manpower and Immigration, in co-operation with provinces and territories, develop policies and practices that will result in (a) an increase in the number of women undertaking educational upgrading programmes and training for more highly skilled occupations, (b) the enrolment of women in courses in line with their capacities without regard to sex-typing of occupations, (c) an increase in the number of women training for managerial and technical positions, and (d) the consideration by women of the whole spectrum of occupations before choosing training courses.

135. At the non-university level, a variety of adult educational programmes available to women are sponsored by boards of education, post-secondary institutions such as community colleges, special schools, voluntary organizations or university extension departments. There are courses in a wide range of subjects, such as matriculation mathematics, family life education, art, literature, music, language studies, politics and, frequently, occupational training. Universities are also providing credit and non-credit co-educational courses as well as courses for women only, often at hours when housewives or women in the labour force can take advantage of them. The following examples<sup>47</sup> are illustrative of the kind of programmes which are of particular value to women and which should be emulated in other parts of the country.

\* At McMaster University, non-credit courses were given one day a week in the early afternoon. A nursery was provided for pre-schoolers.

<sup>47</sup> *Ibid.* pp. 101-108.

\* The University of Manitoba permits women who are university graduates to enroll in the Master of Social Work course on a two-day-a-week basis, and to take as long as five years to complete the work which usually requires full-time attendance for two years.<sup>48</sup>

\* The Thomas More Institute offers a programme of courses in the evenings for adults which is accepted by the University of Montreal for the degree of Bachelor of Arts. An essential requirement for enrolment, in addition to Junior Matriculation, is "a mature desire to learn." Students are not permitted to take more than three courses in an academic year and are encouraged to work at their own speed. It takes a minimum of six years to complete the requirement for a degree. Women comprise a large proportion of the student body.<sup>49</sup>

\* The University of Waterloo conducted a survey to discover the interests of women in the Kitchener-Waterloo area. On the basis of more than 3000 replies, evening non-credit courses with no academic requirements were given in contemporary prose and poetry, finance, current affairs, mathematics, history of religion and conservation.<sup>50</sup>

\* The Quo Vadis School of Nursing, a pilot project established in 1964, offers a two-year programme which prepares students between the ages of 30 and 50 to qualify as professional Registered Nurses. The school, financially supported by the Ontario Hospital Services Commission, is independent and non-sectarian, with authority and responsibility vested in the Board of Directors. Its graduates are making distinguished contributions to the field of nursing.

\* The Ontario Hospital Association either sponsors, or co-sponsors with a related professional or health agency, short conferences.

\* Since 1962, a week-long Arts of Management Conference has been held annually by the Toronto Business and Professional Women's Club. The purpose of this one-week programme is to help women who want to develop their managerial skills. Basic management principles are discussed, with emphasis placed on decision-making, communication, motivation and long-range planning.

\* An internship programme to train mature women and men for elementary school teaching was introduced by the Ontario Department of Education in 1966. Candidates must have a university degree plus a year of graduate study

<sup>48</sup> The Ontario Institute for Studies in Education. *The Continuing Education of Women*. Report of an Informal Discussion—Working Paper No. 3, 1968, p. 2.

<sup>49</sup> *Op. cit.* Royce, Marion. pp. 30-35.

<sup>50</sup> Canada Department of Labour, Women's Bureau. *Opportunities for Continuing Education II*. Bulletin Number XIV, March 1965, p. 8.

or, lacking the latter, be at least 25 years old. No upper age level is specified. While the programme is subsidized by the department, the greater part of the cost is borne by local boards of education who pay the student a monthly stipend during periods of orientation and practice teaching which supplement two summer sessions of academic studies.

\* In Toronto, a pilot project was sponsored by the Yorkdale Educational Association. Courses in public relations, rapid reading, interior decorating, personal improvement, the strategy of buying, communications, family life education, understanding music and art, comparative religions and conversational French were conducted in an empty store in the Yorkdale Shopping Plaza at the hours of 9:00 a.m., 10:00 a.m. and 2:00 p.m.<sup>51</sup>

136. Professional associations ordinarily keep their members informed about new developments and educational opportunities. A professional woman finds this type of information invaluable if she wants to keep up with her profession while she is occupied with family responsibilities. Its usefulness would be greatly increased if it were supplemented by refresher courses and by a consultative service to help her to plan how to continue her career. Such a service, providing career projections, would also be useful for men who need career re-orientation because of technological change. It would salvage the knowledge and skills of women and men that might otherwise be wasted.

137. Correspondence course study often suits a woman who wants to continue her education at her own pace. Provincial departments of education offer instruction by correspondence in academic subjects at elementary and secondary school levels to at least Grade 10. Tuition fees, which vary from one province to another, are moderate; in some provinces there is no charge. Through their extension departments, several universities offer correspondence courses towards a degree. Personal assistance is sometimes given through local tutorial groups conducted by visiting professors. Admission requirements are usually the same as for regular full-time students, but exceptions are sometimes made for mature non-matriculated students. In most universities these extra-mural courses must be supplemented by a period of attendance at the university.

138. Since 1957, the Association of Administrative Assistants or Private Secretaries has sponsored a three-year correspondence course conducted by the Extension Division of the University of Toronto. The curriculum includes such subjects as English, Psychology, Economics, Business Organization, Business Law and Accounting. The Extension Division of the University of Toronto also conducts similar correspondence courses sponsored by other organizations.

<sup>51</sup> Wigney, Trevor. *The Education of Women and Girls*. Toronto, University of Toronto, 1965, p. 63.



### *Child-care Arrangements*

139. Many women with small children find lack of satisfactory child-care arrangements a deterrent to further education.<sup>52</sup> A study made by the Canadian Federation of University Women showed that at least 40 per cent of the graduates who were considering a return to university after five years or less wanted child-care facilities.<sup>53</sup> In some universities, this need has been met. For example, students have organized day-care centres at Carleton University in Ontario and Simon Fraser University in British Columbia. At the University of Toronto, plans for day-care centres for children have been undertaken by the administration after repeated demands by students and members of the faculty.

140. If women with young children are to take full advantage of opportunities for continuing education, child care services must be available. This is particularly important for women—married, divorced or single—who are the sole support of dependants. Otherwise they may not be able to acquire the education which will enable them to get the jobs they need. In the Chapter on the family, we recommend that a network of day-care centres be developed in every part of Canada. Some of them should be situated in places where they would be of the maximum use to women students.

### *Flexibility Needed*

141. Mature students of both sexes usually have responsibilities in addition to their studies and may find it difficult to meet the class schedules set for younger students. For women with families, hours when children are in school or in day-care centres are likely to be convenient. It would help them if more educational programmes were made flexible, for example by the use of the credit system, optional summer semesters, night classes and educational television. Associations similar to the Continuing University Education group at the University of British Columbia would help both universities and women to plan new programmes.

142. School records from the past may not be a true indicator of a mature student's ability to cope with a particular course. Standards required of young people moving directly from one stage of education to another may also be obstacles for mature applicants. The need for greater flexibility in admission requirements was brought to the Commission's attention a number of times. We understand that many Canadian universities and colleges are aware of the problem and are experimenting with possible solutions. One

<sup>52</sup> Briefs No. 74, 79, 82, 90, 109.

<sup>53</sup> Cockburn, Patricia and R. Yvonne Raymond. *Women University Graduates in Continuing Education and Employment*. Toronto, Canadian Federation of University Women, 1967, p. 79.

experiment is being conducted by the Faculty of Education of the University of Calgary which, in 1966-67, introduced a policy of admission for mature non-matriculated students that provided for continuing scrutiny and evaluation of their academic performance and eventually their professional competence. The Assistant to the Dean made a comprehensive survey<sup>54</sup> of university admission policies for mature students, in which 24 institutions<sup>55</sup> participated. Of these, a majority have adopted a "mature age of admission" which varies from one institution to another but is within the range of 21 to 25 years. Some universities do not measure by age but make individual assessments of maturity. Some have probationary periods or require tests in such subjects as language and mathematics.

143. Although there is a growing response to the needs of adult women who want to continue their education, more can be done by educational authorities and institutions. Special insight and effort are needed to create favourable conditions for women in the educational system of the future to offset the persisting influence of traditional attitudes toward their education. Therefore, **we recommend that the provinces and territories and all post-secondary educational institutions develop programmes to meet the special needs for continuing education of women with family responsibilities.**

### *Financial Support*

144. The inability to pay for advanced education was so often raised in briefs to the Commission that we are convinced that it is a crucial consideration for the adult woman who thinks about continuing her education.<sup>56</sup> Certainly there is evidence that continuing education, like higher education in general, is often a privilege restricted to women in above-average income groups. In 1967, the Department of Extension, University of Alberta, conducted a survey among women enrolled in their daytime "Continuing Education for Women" programme. Only 14 per cent of the women enrolled had family incomes of less than \$5,000, whereas 57 per cent reported family incomes of over \$10,000.<sup>57</sup> Many women in lower income groups are unable to attend day-time classes: they are either in the labour force or at home with young children because they have insufficient money to pay for day-care or because such facilities are not available. There is no doubt that

<sup>54</sup> Vaselenak, Mette M. *Admission of Mature Students into the Faculty of Education, The University of Calgary*. A brief report presented to the Alberta Teachers' Federation and Certification Committee on December 7, 1968.

<sup>55</sup> Alberta, Brandon, Brock, Calgary, Carleton, Guelph, Lakehead, Laurentian, Lethbridge, Manitoba, Memorial, Mount Allison, Mount St. Vincent, Ottawa, Prince of Wales, Queen's, St. Francis Xavier, Simon Fraser, Sir George Williams, Trent, Waterloo, Waterloo Lutheran, Windsor, and York.

<sup>56</sup> For example, Briefs No. 79, 82, 109, 110, 131, 173, 217.

<sup>57</sup> Brief No. 90.

the majority of women need more money to enable them to undertake further education or training. Sometimes even a small scholarship will provide the necessary financial help.

145. A recurrent suggestion in briefs submitted to the Commission was that loans, bursaries and scholarships be extended to cover part-time studies. At present almost all of these forms of assistance are available only to full-time students. Since few adult students can carry a full-time educational programme, we believe that financial assistance for part-time study should be readily available to them. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, extend the present system of student loans to include part-time students.**

### **Training for Paid Household Employment**

146. Household workers are urgently needed to provide both emergency and permanent assistance. We believe that more training programmes should be provided for women interested in doing this sort of work. Some countries have successfully organized such courses. For example, in Sweden the state-subsidized Social Home Help Service was instituted in 1920 to train "home helps" to provide a service to families in an emergency. These services, at first used in preventive social work and provided free to the poor, are now available to people in all income groups. Since 1950, there has also been a special home help service for elderly people living alone.

147. In Canada, courses for visiting homemakers for emergency assistance have usually been organized by the social agencies through which the women are employed, although some training has been offered under public auspices. For example, in 1968, at Algonquin College of Applied Arts and Technology in Ottawa, a three-month course was introduced in co-operation with the local Canada Manpower Centre, with a co-ordinator from a social agency. The experiment was a success and the course is being continued. The curriculum, which includes practical training and lectures by a home economist, a social worker, a public health nurse and a psychologist, is designed to train homemakers as part of a medical-social team. Graduates of the course often work with low-income families when there is chronic illness, mothers are lost to families through death or desertion, parents with a retarded child require relief, the mother is receiving psychiatric treatment, or when help is needed in other situations.

148. Training is also needed for paid household workers to work on a permanent basis. Home economics courses in elementary and secondary schools provide some training but mainly teach girls to manage their own

households. We believe that courses for paid household workers leading to certification should be set up. Courses should be open to both men and women and offered at convenient hours. Because one object of the training is to establish standards and improve the status of the occupation, we believe that it should be provided by the Department of Manpower and Immigration. It should include information about working conditions, wages, and how to organize for collective action to improve the conditions of employment. Therefore, **we recommend that the federal government, in co-operation with the provinces, provide through the Occupational Training for Adults programme (a) training courses which will lead to a diploma for visiting homemakers for emergency assistance, the planning of which will be in conjunction with local welfare agencies, and (b) training courses leading to a diploma for household workers other than visiting homemakers.**

### **Training for Voluntary Activities**

149. As we point out in the Chapters on the economy and public life, voluntary work in the community has enabled women to reach beyond the family and to take a useful part in the life of the community and the nation. At least two kinds of training for voluntary activity are essential: (1) training in knowledge and skills for particular tasks; (2) broader and more basic exploration of community development to foster understanding of basic human rights, the inter-relationships of people, and ways of effecting needed social change. The most effective provision for training combines both approaches.

150. Of necessity, the first is handled largely by the organization immediately concerned with the activity to which the volunteer is committed. It may be given individually on the job and supplemented by group sessions. Hospital auxiliaries, for instance, often organize one-day conferences for hospital volunteers to discuss the functions of hospital personnel, both voluntary and professional.

151. The following are further examples of the kind of training which is valuable for volunteers.

152. In Ottawa, professional social workers train volunteers for work in The Distress Centre, an emergency information telephone centre for people in trouble. The first section of the course acquaints the volunteers with the purpose of the service and the way it works. Lectures and films demonstrate techniques in interviewing people with different kinds of problems. Training is continued on the job, when volunteers discuss the problems they have encountered and assess the solutions they have used.



153. The Adult Education Division of the Public School Board of Calgary, in co-operation with the principal of a local school, has experimented with a programme to train women as voluntary teacher assistants for elementary school classrooms. The experiment is reported to have been an outstanding success.<sup>58</sup>

154. The training of volunteers must be related to community needs and, in a rapidly changing society, associations are finding that periodic reviewing of their roles is becoming increasingly important. The YWCA of Canada, for instance, is examining and planning its own role by means of a series of seminars with such titles as "How Canada Grows", "Youth in the Society", "The Good Life, Ours to Make", "Levelling up with Poorer Countries."

155. It is important that publicly supported institutions respond to the need for greater citizen participation by offering courses in community development in which the value of volunteer work is emphasized. The sort of course we have in mind was developed by the Department of Adult Education of the University of Sydney, Australia, in 1968: "Last year the New South Wales Council of Social Service, the coordinating body for social service agencies, asked us to undertake training courses for volunteer workers . . . We ran a pilot course in a rapidly growing outer suburb in co-operation with its newly formed Council of Social Service. The teaching staff of five, drawn from the university and the social work profession, constructed a program which covered the role of the voluntary agency and the volunteer, the interaction of agencies with each other and with statutory agencies, the principles of worker-client relationships, agency organization, and the evaluation of objectives and achievements. Formal lecturing was kept to a minimum, and student involvement was fostered in small group discussion, role-playing, and presentation of case material. This year we are doing a similar course, improved, we hope, by our experience . . . I see such courses as a difficult but important educational task, particularly in a program of education for women. They are the great majority of volunteer workers; they want their work not only to be meaningful and satisfying to themselves, but also to be an effective agent of community service."<sup>59</sup>

156. In briefs to the Commission, many women's associations urged the expansion of training programmes for voluntary activities in the community. One brief recommended that women be given community service training

<sup>58</sup> *Op. cit.* Royce, Marion. p. 69.

<sup>59</sup> Dawson, Madge. "Education of Women in Australia." *Convergence*. Vol. 2, no. 2, Toronto, The Ontario Institute for Studies in Education, 1969.

grants to take special educational programmes designed to make them more useful as volunteers.<sup>60</sup> In the Chapter on the economy, we have recommended that government grants to voluntary agencies be increased.

157. We urge educational institutions and agencies to adopt the policy of offering programmes in community development, with particular focus on training for dynamic voluntary activity, and to make these programmes available at times and places convenient for women.

### **Family Life Education for Adults**

158. Family life education for children was discussed earlier in this Chapter. Adults need similar programmes. Many women who appeared before the Commission pointed out that the rapid changes taking place in Canadian society are straining family patterns. Others emphasized the need for educational programmes which would help them live richly and creatively as members of a family and community.

159. Family life courses should reach beyond specific problems, such as the generation gap between parents and adolescents, and deal with wider relationships within the family. These programmes can help women to understand themselves as individuals and as members of a family. They can also show families how to make an adjustment to the needs of women. They can deepen understanding between men and women by promoting frank discussion of male-female relationships and expectations, thereby opening the way for co-operation between members of the family so that they share rights and responsibilities.

160. Many attempts are being made in Canadian communities to provide such programmes. The Edmonton Family Education Council, for example, trains volunteers to lead family life education groups. In Montreal, the Family Life Education Council has been conducting radio and television programmes on all aspects of family life.

161. We are convinced of the need for more widespread programmes in which men and women study and discuss together the relationships between members of a family. We urge that concerned groups in the community, such as churches, social agencies and adult education associations, undertake to provide more programmes of this type.

<sup>60</sup> Brief No. 90.

## Consumer Education

162. Many briefs presented to the Commission emphasized the need for better consumer education for women. One brief<sup>61</sup> advocated consumer education programmes for high school students and for adults which would make use of television, films, newspapers and magazines. It was also suggested that provincial governments provide guidance for consumers. In recent years, much has been done to educate consumers along the lines suggested in these briefs.

163. The Consumers Association of Canada, founded in 1947 by women and still largely run by women, has been active in product evaluation and has initiated improvements that benefit all consumers. Its aim has been furthered by the creation of a new federal government department with wide powers. The Department of Consumer and Corporate Affairs, established in 1967, provides consumer information as one of its services, including a postal box (Box 99) for complaints and inquiries, and a consumer handbook on credit buying. Provincial departments of education supply consumer education as part of the curriculum in home economics, and the mass media offer regular broadcasts and columns, often by home economists, suggesting ways to get the best value for money.

164. Teachers of home economics provide useful consumer education for school children and adults. In Calgary, for instance, a course in Family Finance and Family Living is sponsored by the Public School Board in co-operation with the local chapter of the Home Economics Association.<sup>62</sup> Four home economists have developed the course which is part of the evening adult education programme in schools in different parts of the city. It covers such subjects as money management; budgeting; nutrition and menu planning; food cost control; planning and choosing basic wardrobes; time management; leisure; children's spending; credit buying and good consumer practices; housing; shopping for appliances, household equipment and supplies; and savings and investments.

## Rural Women

165. Women in rural areas have the same needs for continuing education and vocational training as urban women. Unless they live in very remote areas they now share the interests and outlook of women in cities. Rural populations are spread over large areas, however, and it is often physically impossible, especially in winter, for women to assemble for scheduled meetings.

<sup>61</sup> Brief No. 148.

<sup>62</sup> *Op. cit.* Royce, Marion. pp. 68-69.

166. Sample studies of rural communities show that many women want further education and training. For example, a survey of a rural part of Halifax County, Nova Scotia, indicated that a third of the female respondents wanted some form of adult education. The most frequent requests were for high school courses, business and commercial training, sewing instruction and training for practical nursing.<sup>63</sup>

167. In 1959, a survey of farm families in Ontario showed that husbands and wives often share responsibility for planning the operation of farms. When husbands took jobs to support the family, their wives usually managed the farm.<sup>64</sup> Most rural women are interested in courses in marketing, book-keeping and accounting because of their importance to the farm economy.

168. Farm women retain their traditional interest in nutrition and efficient home management. "To raise the standard of homemaking" is a primary aim of the Women's Institutes. The 3,000 local institutes, with a membership of 60,000 rural women, are organized provincially and are joined nationally under the Federated Women's Institutes of Canada. Women's Institute programmes create new interests and stimulate co-operative community effort. Through affiliation with the Associated Country Women of the World their members are encouraged to follow international affairs. In Canada, the Institutes have not developed residential educational centres like those of Britain but members attend short courses and weekend seminars to discuss topics of general interest such as public affairs. In Quebec, *l'Association féminine d'Éducation et d'Action sociale* conducts seminars on education, public affairs, and economics for their rural women members.

169. When the government helps families to move from marginal farming areas to cities, it offers training programmes for urban jobs to the men but seldom, if ever, to their wives and daughters. Yet all these women must learn to run households under new conditions and many have to find jobs. A study of relocated farmers in Saskatchewan showed that 42 per cent of the wives had entered the labour force after settling in a city.<sup>65</sup> Therefore, **we recommend that women be given the same opportunity as men to participate in any programmes at present or in the future, that are sponsored by government for the retraining and rehabilitation of rural people, such as those begun under the Agricultural and Rural Development Act (ARDA).**

<sup>63</sup> Connor, Desmond M. and Dennis D. Magill. *The Role of Education in Rural Development*. Canada Department of Forestry, Ottawa, Queen's Printer, 1966, p. 32.

<sup>64</sup> Abell, Helen C. "The Adaptation of the Way of Life of the Rural Family in Canada to Technological, Economic and Social Changes." *The Family in the Evolution of Agriculture*. Ottawa, The Vanier Institute of the Family, 1968.

<sup>65</sup> Abramson, Jane A. *Rural to Urban Adjustment*. Canada Department of Forestry and Rural Development, Ottawa, Queen's Printer, 1968, p. 66.



170. Television and radio have tremendous educational possibilities for rural areas. The Nova Scotia survey found more homes with television sets than with running water. Mobile libraries are also a great help to rural women.

171. The rural problems of scattered population and inadequate communication have not yet been solved. Some of the most urgent educational needs of women, such as those of women making the transition to urban life, are being neglected. Therefore, **we recommend that the provinces and territories take appropriate action to study the current educational needs and interests of women in rural areas and, in consultation with local people, introduce more adequate programmes, ensuring that they are available to women.**

### **Women Immigrants**

172. Many immigrants are handicapped by their inability to understand or speak the prevailing language of the community in which they settle. Learning a new language is especially difficult for women since they are less likely than men to join the work force immediately. Language classes are well attended by men, but many women are unable to leave their children or are inhibited by custom from joining mixed groups.

173. Immigrant children are thrust into a bewildering atmosphere when they first go to school in Canada and need special help to learn a new language. They are often doubly penalized because their comprehension lags behind that of their classmates born in Canada but outstrips that of their parents, sometimes creating a particularly wide generation gap in immigrant families. A vigorous programme of language teaching for children and adults is clearly essential to the immigrant's orientation to this country.

174. Information, counselling and referral services are also needed for immigrants. Women immigrants need jobs and training but they also need help in understanding Canadian society in general and their new community in particular. They need contacts in the community as well as educational and recreational services especially designed for them.

175. The difficulties encountered by many immigrant women were made poignantly clear in a brief<sup>66</sup> presented by a group of high school girls on behalf of their immigrant mothers. During questioning by the Commissioners one of the students said "...most of them would like to go out and work and most of them are scared because they can't speak English. Most of them try to make wages in the home...they do sewing and housekeeping for

<sup>66</sup> Brief No. 195.

other people . . . They don't have a mind of their own in politics . . . they never argue with their husband. It's the way they're brought up. For some women it would be good to have community centres to learn the language and to train and to mix with the English mothers. Most of them stick to their own community. It's just like if you get a bird you kept in a cage all your life and at the end, let him out, he wouldn't know how to survive . . . And this is what their problem is now."

176. The Commission believes that the Citizenship Branch of the Secretary of State, which promotes general citizenship education and is concerned with the participation of immigrants and ethnic groups in Canadian society, could do more to help female immigrants. Therefore, **we recommend that the Department of the Secretary of State, through its Citizenship Branch, in co-operation with the provinces and territories, (a) conduct surveys in all areas of Canada where immigrants are settling to ascertain the special educational needs of immigrant women, (b) suggest programmes by which these needs could be met, (c) make these needs and programmes known to voluntary workers in the community, and (d) assist volunteers in the implementation of these training programmes.**

177. Classes for women, held in their own neighbourhoods within easy walking distance from their homes, have been enthusiastically received. The most effective of these are run parallel with an accredited nursery school where the children's play activities incorporate the language patterns their mothers are learning. In several communities, provincial governments, drawing on federal funds, sponsor such classes in co-operation with public school boards or interested voluntary groups, but their numbers are still insufficient. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, review language training programmes in order to ensure that the needs of immigrant women are being met.**

### Native Women in the North

178. The impact of formal education has changed the lives of inhabitants of the north, particularly those of Eskimo and Indian women living north of the 55° parallel.<sup>67</sup> However, communication is still difficult because few

<sup>67</sup> Although Canada's north is ordinarily considered the Yukon and Northwest Territories, the points raised in this Chapter also apply to the northern sections of the provinces because similar problems are encountered there. The Yukon and the Northwest Territories together comprise 39.3 per cent of the area of Canada. In these territories live about 66 per cent of Canada's 15,000 Eskimos and one per cent of the approximately 237,500 registered Indians in Canada. All but a few of the other 34 per cent Eskimos and 12 per cent of the Indians live in the parts of the provinces north of the 55° parallel. The Northwest Territories are populated by about 31,000 people, of whom about one-third are Eskimo and one-fifth are Indians. The population of the Yukon is about 15,000, of whom about 2,500 are Indians. There are fewer women than men in the territories.

white people read, write or speak Eskimo or Indian languages and until recently, few Eskimos or Indians in the north could either speak or write in English or French.<sup>68</sup>

179. The increasing number of native children who are receiving formal education has greatly affected the relationship between mothers and their children. Between 1955 and 1957, a unified system of public school education was started in both the Yukon and the Northwest Territories. Grades 1 to 6 are taught in English to all children both native and white who are between the ages of 6 and 16, and who are living in the settlement. In the Northwest Territories, the programme began with eight schools in the larger Eskimo communities.<sup>69</sup> At that time, fewer than 500 Eskimo children were in public and private residential schools. As of 1970, it is estimated that 85 per cent of school age Eskimo children in the Northwest Territories are at school.

180. The curriculum used in the schools has been basically the same as that used in the province south of the area. For example, the Keewatin area has followed the Manitoba curriculum, Yellowknife the Alberta, and the Yukon the British Columbia curriculum. However, changes in curricula and text books have been taking place since the territories became wholly responsible for education in 1969 and 1970.

181. Most of the teachers have been recruited in the south of Canada or in other English speaking countries. They are given minimal training for teaching Eskimo or Indian children, and usually leave the area after one or two years. Since 1965, Eskimo classroom assistants have been introduced in schools in the Northwest Territories. These are girls with at least Grade 6 education who, after a six-week training course, are employed as interpreters between children who speak no English and teachers who usually speak no Eskimo.

182. For most children, if their parents have been educated, school simply continues previous experiences. However, for many Indian and Eskimo children, school is a disruption that creates a world very different from the one they know at home. The language they speak at school is usually different from the language they use at home. According to a study prepared for the Commission, "The children, caught between one set of values at home and another at school, are seldom able to resolve the inconsistency and reject

<sup>68</sup> Languages used from Station CFYK Yellowknife provide a picture of some of the language problems. Radio broadcasting is in English, Dogrib, Slave, Chipewyan, Eastern and Coppermine Eskimo.

<sup>69</sup> Simpson, D. W., D. K. F. Wattie, *et al.* *The Role and Impact of the Educational Program in the Process of Change in Canadian Eskimo Communities*. Education Division, Northern Administration Branch, Department of Indian Affairs and Northern Development, 1968, p. 1.



either their parents or the school, and often both." As a result of their consequent disorientation, the rate of absenteeism is high and a large number of students drop out of school, repeat a grade or fail. "Although local schools have reinforced the physical bond between mother and child, they have done little to decrease the psychological gap. Many Indian mothers, interviewed in the Yukon, expressed ambivalence toward the idea of education in the public schools. The role of teacher has been effectively taken from them and there is seldom any personal contact between the parents and the white teachers even when they live in the same village. In terms of goals, both mothers and educators agree that the future of the child is important but, because of lack of contact between the two, neither knows what the other is doing about it."

183. According to a survey conducted by the Indian Affairs Branch of the Department of Indian Affairs and Northern Development, some Indian and Eskimo adults give little support to their children as students. Some consider their children's service at home more important than school and complain about the difficulty of adjusting the family living pattern to allow for their children's schoolwork and need for sleep. They also recognize that they lack the ability and knowledge to help their children with schoolwork or personal problems. Many parents, however, indicated that they would welcome some proof of the value of the white man's education.<sup>70</sup>

184. All pupils requiring higher than Grade 6 education must be transported by plane to residential schools in larger settlements, where they stay for the full 10-month school term. Students from the Northwest Territories go to either Churchill, Manitoba or Yellowknife, whichever is closer. Students from the Yukon are taken to Whitehorse. When children are taken away to school, they are usually housed in large residential buildings. They live a regulated life with no contact or understanding of the family life of white people. Their homes in the settlements and the institutionalized living at the school are the only "home" environments they ever experience. It is difficult for pupils to readjust when they return to their parents because they have acquired different values. Daughters grow up with little interest in the things their mothers can teach them, which creates a distressingly wide generation gap. Some Eskimo and Indian women who appeared before our Commission did not understand what happened to their children when they went away to school. Since they had never even seen a residential school, they could not share the experiences of their children. They discussed problems that arose from the different values acquired by their children such as

<sup>70</sup> Department of Indian Affairs and Northern Development, Indian Affairs Branch. *A Survey of the Contemporary Indians of Canada*. Vol. 2, Ottawa, Queen's Printer, October 1968, p. 137-138.



the fact that Eskimo girls are rejecting the traditional arranged marriage and are marrying partners of their own choice, sometimes of a different race and culture.

185. Because some conflicts have arisen between generations, it is understandable that education is not highly prized by all native women. In the past, women were totally responsible for the education of their daughters. Today school often appears to them to teach the children alien ideas in an alien language.

186. Until the women of the north are involved in their children's schooling and in adult education programmes, they and their children will continue to suffer. This has been illustrated in the Northwest Territories where current parent-child tensions are in part due to the fact that the programme for children's education begun in 1955 was not followed up with an adult education programme until later. In the Yukon, Indian mothers and particularly grandmothers have shown more interest in the education of the children after learning to read English through the literacy programme. In the Yukon, mothers who serve on Advisory Committees of kindergartens are likely to encourage their children to continue their education.<sup>71</sup>

187. Educators in the Yukon and Northwest Territories recognize the need for adult education and have accomplished much with limited funds. Adults have been offered courses in homemaking, handicrafts, reading and English. Indian and Eskimo women have been employed as teachers' aides. Parents from each of 12 settlements in the Northwest Territories were invited to select one couple to visit the Churchill Vocational Centre and report back to the settlement. An adult education centre established in 1969 at Frobisher Bay is at present running an academic upgrading programme. Adult education has also been undertaken by volunteer groups such as Homemaker's Clubs and Women's Institutes in the Yukon and western Arctic. The Federated Women's Institutes of Canada as well as some church groups have helped women to meet socially, increase their homemaking skills and take an active part in the solution of community problems.

188. In the Northwest Territories, urbanization has increased since the advent of the most recent housing programme undertaken in 1955 by the federal government.<sup>72</sup> Many families in the Arctic that formerly led nomadic

<sup>71</sup> Shields, Dr. P. L. Superintendent of Education, Department of Education, Whitehorse, Yukon, March, 1970.

<sup>72</sup> A housing survey undertaken in 1964-65 illustrates the urgent need. Of 817 one-room houses in the Arctic, only 81 units contained fewer than three people in each and the majority contained from five to eight. Few Eskimos could afford to purchase even a small one-room house and even if they could, they were not able to afford the high cost of fuel, light, and water. Department of Indian Affairs and Northern Development. *The Work of the Northern Administration Branch, Department of Indian Affairs and Northern Development with the Canadian Eskimos*. November 1967, p. 8.

lives and lived by hunting and trapping have moved into settlements. In order to help women to adjust to the new way of life, the Federal Government planned an adult education programme to accompany the low rental housing programme.

189. Initially, Central Mortgage and Housing Corporation provided funds to send instructors into the north on short-term assignments. The programme included an explanation of the rental plan, the operation and care of household fixtures, information about general housekeeping, cooking, child care, purchasing of goods and clothing, and budgeting. In the two-year period 1966-68, approximately 28 instructors, three of them Eskimos, worked with more than 1,000 Eskimo families in 20 communities.<sup>73</sup> The leaders were often wives of teachers, administrators or Hudson's Bay Company employees. In the eastern section of the Northwest Territories, two home management specialists make regular trips to communities where new housing has been built, to provide over-all direction and training. In the western part of the Northwest Territories, the housing programme has been delayed because of budget cuts. At the hearings in the north, native women repeatedly told the Commission about their interest in and need for further education and asked that the adult education programme in relation to housing be continued, using native instructors whenever possible. Therefore, **we recommend that the federal government, in co-operation with the Northwest Territories, make sure that the education programme in relation to housing is continued.**

190. The formation of housing associations, as a result of housing programmes, has generated more active interest and greater participation in community affairs. Members of housing associations are lessees of houses.<sup>74</sup> Each association elects a Council responsible for providing services to the community and letting contracts necessary to provide these services. Serving on a Council could have considerable educational value for women by giving them some experience in political action and community participation. Since membership is restricted to lessees, only women living alone who sign the lease can ordinarily be members of the association. Even though we have been told that the requirement that members of the association must be lessees has sometimes been ignored, we do not regard this as a satisfactory situation. Therefore, **we recommend that the Northwest Territories amend its Housing Association by-laws so that both the lessee and the spouse of the lessee are members of the housing associations.**

<sup>73</sup> *Op. cit.* Simpson, D. W., and D. K. F. Wattie, p. 14.

<sup>74</sup> *Ibid.* p. 15.

191. More adult education teachers are needed in the Northwest Territories.<sup>75</sup> We believe that Indian and Eskimo women should be trained to carry on the work already started in the field of adult education. It might be advisable to bring them to a central location for intensive training. Therefore, **we recommend that the federal, provincial and territorial governments encourage Eskimo and Indian women to take training in adult education for work in the northern communities.**

192. More women than men serve on school advisory committees in the Yukon. An effort should be made to involve Indian and Eskimo women in their own education as well as to arrange for them to participate in the education of their children. We hope that Indian and Eskimo women will help to plan and take part in the programmes of the additional kindergartens proposed for the Northwest Territories.

193. There is a need for more effective orientation courses for white people who work in the north or with native people in other parts of Canada. Many white people do not appreciate the culture of Canada's aboriginal people. A brief from native women<sup>76</sup> made the following recommendation: "Whereas native women feel that the current orientation programs for teachers where they are being put into effect are inadequate, it is recommended that teachers who are entering native communities for the first time be required to have more extensive field experiences of native culture and traditions to enable them to communicate with the children more meaningfully." We concur in this request, and would extend it to include both wives and husbands of all people planning to work with native people. These courses should be made comprehensive and longer than the courses which are sometimes provided by governments or business. Therefore, **we recommend that the federal government, the provinces and the territories co-operate to (a) provide expanded, comprehensive courses for all public officials and employees and their spouses, working with Indians and Eskimos, to familiarize them with the cultures and traditions of the native people, including training in the native languages; (b) make available to Indian and Eskimo women education courses to provide at least functional literacy in either French or English; (c) encourage native women to participate in school planning and programming, and to serve on school advisory committees; (d) where it is not already being done, train native women as teachers and teachers' aides; (e) provide that teachers' colleges give special training courses in the instruction of English or French as a second language to**

<sup>75</sup> Annual Report of the Commissioners of the Northwest Territories, 1969. Yellowknife, NWT, p. 53.

<sup>76</sup> Brief No. 310.



Indians and Eskimos; (f) make sure that teachers' colleges provide courses in Indian and Eskimo culture, including training in the native languages for teachers planning to work with native people; and (g) make every effort to train Indians and Eskimos to provide the educational services in Indian and Eskimo communities now being performed by non-Indian and non-Eskimo public servants.

194. Further, we recommend that universities establish or strengthen courses and research in Indian and Eskimo cultures.

195. Furthermore, we recommend to private industry that it provide training courses for employees working in the north, and their spouses, to familiarize them with the cultures and traditions of the native people, including training in the native languages.

196. Some Eskimo couples have been brought south on short learning trips to visit schools, universities, farms, industrial plants, co-operatives, handicrafts and cottage industries, and to see demonstrations in homemaking. This has proved to be a valuable educational experience which should be open to individual women as well.

197. Therefore, we recommend that the federal government, in co-operation with the territories, include individual native women, as well as couples, in the programme under which Eskimos and Indians are brought south on learning trips. After they return home, there should be a follow-up by adult educators to evaluate the programme and to make their findings known to local people to assist them in planning future programmes.

198. Since 1959, when the first co-operative was incorporated in the Northwest Territories, the federal government has been fostering the development of this system through which people of the north produce and market their own products.<sup>77</sup> Co-operatives have provided practical experience in democratic principles and stimulated the emergence of community leaders. Their far-reaching effects on local economy have influenced the lives of women whether or not they are actively involved in co-operative enterprises. Training for co-operative administration has been carried out through a management training programme initiated by the Department of Indian Affairs and Northern Development, and we urge that this programme be continued. The training is given in northern communities and to a few selected co-operative members at training centres in the south of Canada. Men are more likely than women to be chosen to receive this advanced training. In order to give them equal opportunity in the work world, Indian and Eskimo women should be

<sup>77</sup> Sprudz, A. *Co-operative Development Program in the North*. Ottawa, Department of Indian Affairs and Northern Development, October 1968.



encouraged to train for responsible positions in co-operatives. The training should include an understanding of the requirements of outside markets and the development of native skills. Native women have already shown their ability in co-operative administration. For example, the Aklavik Fur Garment Cooperative in the western district of the Northwest Territories is made up exclusively of women.

199. Although responsibility still rests with the federal government, the implementation of existing programmes has now been taken over by the territorial governments. More extensive use should be made of co-operative educational centres such as the Western Co-operative College, Saskatoon, Saskatchewan, the Coady International Institute, Antigonish, Nova Scotia, and the Desjardins Co-operative Institute, Lévis, Québec.

200. Therefore, we recommend that the federal government, in co-operation with the territories, ensure that management training programmes in the operation of co-operatives and small business enterprises be made available to native women as well as to men and be expanded to fit the growing needs of the northern communities.

201. The Indian and Eskimo women who appeared before the Commission impressed us with their practical understanding of their own problems and their confidence that with help they could solve these problems themselves. Common to all these women, however, is their unwillingness to work within the limited confines of a system in which aims and goals are established by outside authorities. Underlying all our recommendations is the conviction that the native people of the north should be involved in the changes that are taking place not only in their lives but also in Canada, and that they be given the opportunity to take part in the enterprises and programmes that are bringing about these changes.

### **Educational Television**

202. Educational television holds promise for women who want to continue their education. It can be of particular value to those living in isolated parts of the country or in places where no classroom courses are available, as well as to mothers who find it difficult to leave their homes to attend regular classes. It can also help to raise the educational levels of women in the labour force, hereby giving them a better chance to be promoted or to find a more satisfying job. It is essential that programmes be telecast at the hours when housewives and working women are able to take advantage of them.

203. The United States has done much more than Canada to develop educational television. In Britain, its value has been recognized and plans have been

made for a programme called The Open University which, in January 1971, will offer degree courses, mainly to adults who have not had the chance to acquire higher education by other means and who may not have the formal qualifications usually required for university entrance.

204. Some Canadian programmes have shown the way educational television should be moving if it is to develop its potential value for the education of women. For example, the University of Montreal, University of Ottawa, University of Sherbrooke, Moncton University, Laval University and Laurentian University have collaborated with the Canadian Broadcasting Corporation to produce French Language radio and television correspondence courses which can be credited towards a Bachelor of Arts degree. The universities took turns preparing the lectures and students completed home lessons which were corrected by correspondence.

205. *Tévec* is an outstanding example of the potential value of educational television.<sup>78</sup> In 1968, this trial educational television programme was initiated in the Saguenay-Lac Saint-Jean region by the Quebec Department of Education. A study of the region was made to determine the interests and needs of the residents. A course was then designed to enable students to reach Grade 9 standing in French, English and mathematics. In order to sustain adult interest, lessons were based on a discussion of socio-economic problems of the area. The lessons were telecast by private stations in the region at 7:00 and 9:30 in the morning and 11:30 and 12:30 at night. Teleclubs were organized in each community and members met once a week to discuss the topics covered the preceding week. Half of the 30,000 students who registered were women although men considerably outnumber women in the region. In June 1969, about 6,000 adult students took the final examination.

206. Other provinces have not set up any projects similar to *Tévec*. However, Ontario, which is leading in the field of educational television in Canada, is in the process of developing several programmes for the next few years. For example, the Ontario Educational Communications Authority, a Crown Corporation created by the last session of the legislature, is setting up a continuing education programme to be available in Metro Toronto. Starting in the fall of 1970, non-credit courses will be scheduled for housewives as well as for working women and others. Credit courses are being discussed as a possible project for the future. The programmes set up for the general population, or especially for women, in the community colleges of Toronto may also be presented on television in the near future: cable companies are investigating this possibility.

<sup>78</sup> Messier, Guy, Jean Lachance and Richard Fournier. "*Tévec*." *Technique*. Quebec, January, 1968. Guay, Jacques. "Le chef Labrie, un écolier parmi 35,000." *Le Magazine Maclean*. June 1968. *Op. cit.* Royce, Marion, pp. 128-132.

207. During the public hearings, the Commission was told that the northern broadcasting system should be expanded to include more educational broadcasts on subjects such as food, hygiene, housing and child care. Women of the north should be asked to suggest programmes they consider useful and interesting and, whenever possible, be asked to participate in them. We suggest that more programmes about the art and activities of native people would help all people of the north to appreciate their culture and that of their neighbours.

208. Canadian women are confirmed television watchers. In a breakdown by sex, women, on the average, were found to spend four and two-fifths hours and men three and four-fifths hours a day watching television. Women spend three and four-fifths hours and men two and four-fifths hours a day listening to radio.<sup>79</sup>

209. It is up to educational television to make the most of the already established viewing habits of women by presenting programmes which stimulate interest and challenge the mind. The use of imagination in the presentation of material and a high degree of expertise in production are requisites for success. The telecasts should be supported by correspondence study with tutorial assistance, occasional residential seminars and group discussions. It is of prime importance that in the future educational television be geared to the needs of adult women. Therefore, **we recommend that the provinces and territories, in co-operation with universities, arrange that educational television programmes, including credit as well as non-credit courses at elementary, secondary, general and technical college and university levels, be televised at hours when both housewives and women in the labour force can take advantage of them.**

210. The Canadian Satellite System of telecommunications should enable educational programmes for women to reach even the most remote areas of Canada. Scheduled for operation in 1972, it will provide television coverage and telephone and message communications services on a commercial basis to all parts of Canada. The components of the system from ground stations to the satellite itself are in the planning stage by Telesat Canada Corporation which will own and operate the system. The Corporation is the newly-established consortium of the government, the public and the common carriers. Arrangements about programming have not yet been made public.

211. Telesat Canada will be an entirely new system of telecommunications in Canada. It will be an important medium for the education, cultural enrichment and socialization of all Canadians. Such a system can narrow the

<sup>79</sup> "Average Listening and Watching Time, Television and Radio, by Sex, Canada, 1969." *Coverage and Circulation Report*. Toronto, Bureau of Measurements, November 1969.



differences in opportunities and standards of living of the women and men in both isolated and populous places, and can bring these disparate groups into closer communication with one another. It is essential that from the very beginning women share equally with men in the policy decisions on distributing centres and facilities and the type and scheduling of programmes.

212. Therefore, we recommend that the governments and organizations which plan to use the Canadian Satellite telecommunications system (a) consult knowledgeable women as to the types and quality of programmes and the hours of scheduling in order to meet the needs and convenience of women in Canada, and (b) include women professionals and specialists in all branches of programme production and broadcasting so that women will have equal opportunities with men in the development, operation and use of this new medium.

### Citizens' Information Centres

213. Courses designed to meet the various educational and training needs of adult women will be useless unless they know about them. The Commission repeatedly heard requests that more information about educational and occupational opportunities be made available to women. If continuing education is to be effective, a national system of information about educational institutions, their entrance requirements, courses and tuition fees must be established for the public.<sup>80</sup>

214. Many communities have attempted to provide this information. Sometimes a local crisis has prompted action. When Sydney, Nova Scotia, faced the shutdown of its largest industry, an office was set up on the main street to provide information about educational opportunities in the area. Other communities have used kiosks on the street and radio, television and newspaper publicity. The Adult Education Counselling Centre for Metropolitan Toronto, in co-operation with the Canada Manpower Service of the Department of Manpower and Immigration, answers enquiries about educational facilities and services. Information is also supplied by the Metropolitan Directory of Continuing Education Classes, which is sponsored jointly by the Metropolitan Library Board of Toronto, the Ontario Association for Continuing Education, and the Adult Education Department of the Ontario Institute for Studies in Education. Many other communities provide classes and information at adult education centres. The information centres we recommend in the following pages should help to make more women aware of the educational facilities available to them.

<sup>80</sup> Canadian Association for Adult Education. *A White Paper on the Education of Adults in Canada*. Toronto, Thorn Press, 1964.



215. Women who are out of touch with the community are at a loss to know where to apply when they need help with some special problem. The married woman about to enter the labour force may require information on child-care facilities, employment counselling or training. The newcomer to a community may be looking for information on housing or homemaker services. And the long-time resident may suddenly find she is in need of legal aid, welfare counselling or medical attention of a specialized nature. Many briefs discussed the need for centres to which women could turn in these and many other situations.

216. The operation of centres of this kind is not a new idea. In Britain, there are some 500 Citizens Advice Bureaux, providing free information and advice. In the United States the number of information and guidance centres is growing. A study conducted by the Canadian Welfare Council revealed that welfare councils in perhaps 14 French and English-speaking Canadian communities have information and guidance centres. The Central Information Service of the Social Planning Council of Metropolitan Toronto handled more than 18,000 enquiries in 1967. Agencies, other than welfare councils, also provide information services in some communities. The Task Force on Government Information recommended that Citizens Advisory Bureaux be reinforced or established where necessary. We understand that the Citizenship Branch of the Secretary of State is exploring how to accomplish this and that some pilot projects are under way.

217. We believe there should be an information centre in every city and town in Canada. In view of the wide variety of problems that would be directed to these centres, many of them would find it practical and advisable to act as referral centres rather than attempt to handle the problem themselves. In either case they would be invaluable as a source of information on community resources for meeting special needs.

218. In some ways, women living in isolation are more in need of the services of such a centre than urban women because many of the services they require are not at hand. However, problems of distance and sparse populations make it impractical to have centres that all women can visit. For this reason, free long distance telephone calls to the nearest centre should be provided for women who could not reasonably be expected to travel to it. For some women, the mails would be the only means available for obtaining information.

219. One of the more important functions to be performed by these centres would be to provide every home with a booklet listing the nearest welfare agencies, the service offices of governments in the community, medical and

family planning clinics and other community services. Other helpful booklets, such as those describing the legal rights and responsibilities of women, should be distributed. Information centres could also perform a useful service to the community by identifying needs which are not now met.

220. If information centres are to be fully effective, they must be widely publicized by radio, television and the newspapers. These media are already disseminating information helpful to women and would probably welcome the opportunity to plan their programmes around the needs shown through the queries at the information centres.

221. It is important that information centres be recognized as a service to the community offered without any kind of political bias or pressure. They should therefore be non-governmental organizations, established and directed by citizens' committees. If they are to operate on this basis, they will have to depend on government grants, assistance from voluntary associations and donations from private citizens.

222. We believe existing voluntary associations should take the initiative in having the centres established and should also be involved in their planning, organization and management. These groups will probably be the best informed on the needs of the community and the resources available.

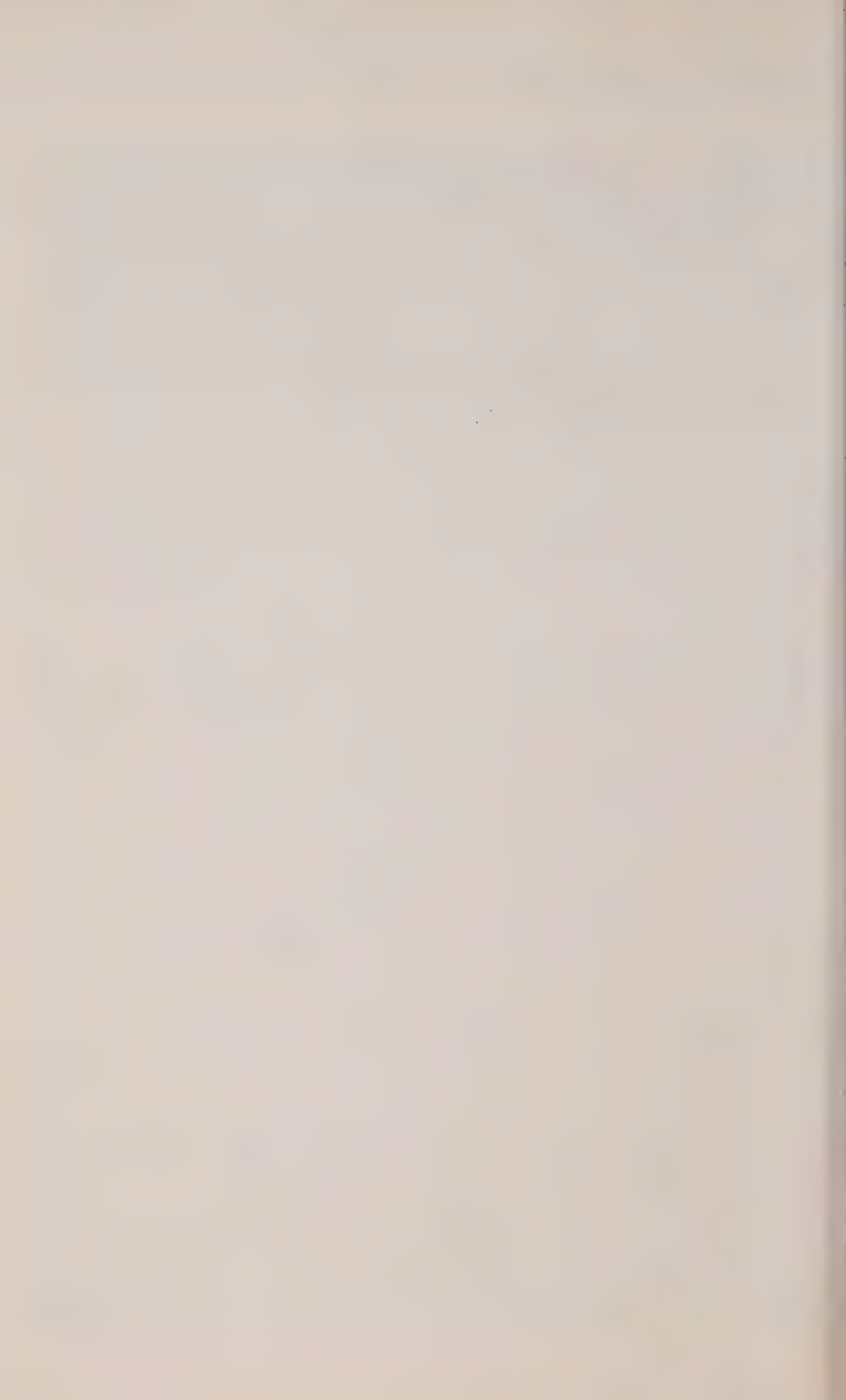
223. Federal, provincial and territorial governments can, however, give impetus to the establishment of information centres by letting it be known that financial grants are available. In the Chapter on the economy, we have recommended that governments increase their financial support to voluntary associations working in fields of practical concern to women and we believe that citizens' committees responsible for information centres should have a high priority. Since information centres will be performing a community service, municipalities should foster them as well as support them financially.

224. In our discussion on the usefulness of information centres we have referred only to their value for women. Although we recognize that women probably have a greater need for these services than men, they should be available to men as well.

225. Therefore, we recommend that committees, composed of citizens of the community, establish and direct Citizens' Information Centres for the purpose of providing free information on community resources, and that centres (a) maintain offices open to the public; (b) be responsible for the production and extensive distribution of booklets listing community resources; (c) provide for free in-coming long-distance telephone calls from citizens who could not be expected to travel to the nearest centre; (d) provide

information by correspondence on request; (e) make full use of radio, television, the newspapers and other mass media to ensure that citizens are well informed on the services provided; and (f) encourage mass media to provide, by means of articles, programme courses, news releases and other techniques, information on subjects that may give rise to problems for citizens.

226. Further, we recommend that federal, provincial, territorial and municipal governments provide financial assistance to citizens' committees operating Citizens' Information Centres.





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### Women and the Family

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"The family is the natural and fundamental group unit of society and is entitled to protection by Society and the State."  
*Universal Declaration of Human Rights, Article 16.*

#### Introduction

1. The role of the family in every known culture is to meet the basic human needs of the individual. In many traditions, the family has been the central focus of a woman's life. It is essential, therefore, to consider the significance for women of the changes which are taking place in the family today.

2. There are a number of widely differing views of what is happening to the family. One is that the family is dissolving. Divorce is on the increase. More wives are working and therefore spending less time with the family. Marriage is becoming less sacred and more secular. Parents are losing control over their children. According to one authority,<sup>1</sup> "unbridled individualism" and a decline in the spirit of self-sacrifice have led to a decline in the birth rate. The decay of the family, he says, heralds the decay of civilization itself.

3. Another view, endorsed by most family sociologists, holds that the family is simply changing its organization, and will emerge strengthened and better suited to a democratic society. They support this view with the following facts. The double standard in sex is declining. Choice of a mate is more voluntary. Modernization of the smaller home and a flood of goods and services have reduced the drudgery of housework. Men are less dominant. Women have more equality in law and in daily living. There has been a liberalization of divorce laws and a decline in church authority which once upheld the family in its authoritarian structure. A partial shift of traditional family functions—protective, educational, economic—to the state, school and industry, makes members of a family more independent of each other. According to some social scientists, the family is, therefore, evolving as an adaptable unit within the larger society, basically concerned

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<sup>1</sup> Carl C. Zimmerman, Harvard University.

with the mutual emotional support of its members. Family love, freed from economic compulsion and parental authority, may become more loyal and permanent.

4. Recently, the Women's Liberation Movement, the New Feminists and other similar groups have been insisting that women have been wrongfully exploited throughout history, that only a revolution will right the position of women, that marriage as we have known it is a contract of slavery for women, and that the family is an unjust and outdated arrangement for modern human beings. Recent writings by members of this movement illustrate some of their thinking. "In addition, such structural changes (for the liberation of women) imply the complete breakdown of the present nuclear family . . .".<sup>2</sup> "In all classes and groups, the institution of marriage functions to a greater or lesser degree to oppress women."<sup>3</sup>

5. New family styles and patterns have been tried on a limited scale, in an attempt to overcome the limitations of the nuclear family—that is, a wife, husband and children living together. A long-standing example is the kibbutz in Israel, where the children live apart from their parents, spending, however, a few hours with them every day, and are cared for in groups. Recently in a number of countries such as Sweden, the United States, France and Denmark, groups of families have been organized in which several adults, both male and female, and their children form a collective household. A few similar communes have been formed in Canada.

6. However, in Canada there seems to be a general belief in the continuance of the family in a somewhat altered form. It is supported by those social scientists who, although they find it hard to predict how social changes will affect the family in the future, maintain that the family will always exist in some form, as they "know of no people who have succeeded for long in dissolving the family or replacing it."<sup>4</sup>

7. The position of a woman in relation to her family has already changed enormously if we look back over a few generations. Her participation in the production of goods by the family; her complete subjugation to the authority of her husband; her large household and the work required to maintain it; the number of her children and her short life span all made life for women at an earlier period very different from what it is today. Although for the married woman, just as for everyone else, life was often hard, with little time for leisure, she could experience a sense of being central to the survival of the members of her family.

<sup>2</sup> Benston, Margaret. *The Political Economy of Women's Liberation*. Vancouver Women's Caucus, mimeographed Discussion Paper, Vancouver, 1969–70, p. 6–7.

<sup>3</sup> Dixon, Marlene. "Why Women's Liberation?" *Ramparts*. San Francisco, December 1969, p. 61.

<sup>4</sup> Mead, Margaret. (and Ken Heyman) *Family*. New York, The Ridge Press, 1965, p. 77.

8. As a rule, a bride was transferred directly from her father's to her husband's tutelage, without higher education or an average five-year interval of employment which girls now experience before marriage. Once married, a Canadian woman usually spent most of her adult life bearing and looking after six or seven children. Today, the average is three children and she lives to about the age of 76. Furthermore, there is a noticeable trend in recent years for couples to have their families soon after marriage. The average married woman gives birth to her last baby around the age of 30 and is only about 35 by the time the child starts school. This means she can look ahead to at least another 20 or 30 years of active life, during which the care of the family and a home, usually smaller than in the past, is unlikely to take up the greatest part of her time.

9. One particular way in which the family has changed is often overlooked. It was not always true that the mother carried the total responsibility for child care as she does today. This is a relatively recent phenomenon in western civilization. In the past, the majority of mothers had to perform so many household chores that they could devote to their children only a fraction of the time that most mothers can today. Furthermore, in the extended family of the past, other adults—aunts, older sisters or grandmothers—were on hand to help care for children. Again, the high rate of infant mortality tended to influence the attitude of parents towards their children. Sensitivity regarding children has changed over the past 150 years.<sup>5</sup> Children gradually moved into a central position in the family and new attitudes towards them developed for a number of reasons. People gained assurance that their children would not die young. Public education replaced the system of boarding very young children as apprentices with another family where they joined with other children in learning a trade. Families gradually became smaller and the wife free of many of her chores.

10. As a result of the change in attitude toward children, mothers, especially in the middle class, were expected to be in constant attendance. They were supposed to acquire specialized knowledge in many fields culled from literature on the latest developments in child psychology, psychosomatic medicine and the education disciplines. The effect was often to over-emphasize the link between mother and child and to impair other relationships, in particular the vital influence of the father. Many mothers who refused to be influenced by what they felt was an exaggerated view of their child-rearing functions were liable to develop feelings of guilt.

11. The legal status of a married woman has changed since the time when a wife was grouped with the children under the legal control and

<sup>5</sup> Ariès, Philippe. *L'enfant et la vie familiale sous l'ancien régime*. Paris, Plon, 1960.

authority of the husband. But traditional attitudes have not changed to the same degree. Society still expects a wife much more than a husband to adapt to the married status. And a great many women still conform willingly to these expectations.

12. Many women are content with the role of wife and mother, knowing that they contribute a great deal to the success of the family. There is no denying the importance and value of this traditional role of women but nevertheless some women believe that it should be expanded and enriched. None of our recommendations is intended to change the role of women who are satisfied to remain in the home. Our aim is to remove as far as possible the barriers to real equality of opportunity.

13. The traditional wife-and-mother role in the Canadian family is to manage the household, to give affection and backing to the husband, whose occupational life may be largely impersonal and competitive and, in an emergency, to earn money and act as a substitute for the husband. Above all, she is expected to carry the major share of rearing the children who consequently often assume prime importance in her life. These are important duties but insufficient prestige is attached to them. Moreover, the rearing of children, the centre of their lives, is soon accomplished.

14. A married woman's status in society is almost entirely due to the position of her husband rather than to a position she has made for herself. Her satisfactions are largely second-hand, depending on her husband's and her children's achievements. Many women appear to accept this secondary and supporting role without question, believing that their influence on their husband and children is sufficient justification for a lifetime of almost total dependence. In addition, many housewives suffer from social isolation. Their work does not naturally lead to social contacts as do other occupations. It does not provide them with the stimulus and emotional satisfaction which result from working on a team.

15. For these and other reasons, such as the need for two pay cheques in the family, many married women have turned to outside employment. Although they often encounter a new set of problems, because of carrying a full-time job while still running a home, the added stimuli and financial advantages are such that they usually continue to work outside the home once they have made this break with their former way of life. Some women have, of course, always combined outside activities with the traditional role of wife and mother in spite of the difficulties.

16. For many married women the decision whether or not to take a paid job outside the home often involves a purely personal dilemma. At the public



hearings, some women told us that if they stayed at home they felt guilty because they were not using their skills and talents. Others told us that if they took a job they felt guilty because they might be neglecting their husbands and children, or other people might think they were. In other words, often a psychological conflict is an invisible barrier to freedom of choice for a woman.

17. Many husbands are puzzled when their wives, to whom they feel they have given everything, develop interests of their own. This change in a husband's understanding of his wife's needs and aspirations will require him to make adjustments in his thinking about his own role as husband and father.

18. Most of the representations to the Commission made it clear that women accept their role in the family group. But many wives are now demanding that this role be that of an equal partner entitled to participate in setting policy and making decisions for the family. A great many wish to contribute financially to their own needs and the needs of the household and children. They expect in return that their husbands will share with them the work and responsibility of their homes and children.

19. In our opinion, it is essential that parents and schools make young girls aware of the new dimensions of marriage. A too romantic concept, still dominant in the influences which surround young people, defines marriage and maternity as the psychological focus of a woman's life. Unrealistic views about their future as married people may be very damaging and later cause confusion and unhappiness for both husbands and wives. Many young women begin marriage in the expectation that they will be supported by a husband for the rest of their lives. They are likely to find in due course that this is too narrow an expectation. They may, because of divorce or death, find themselves the sole support of themselves and their children, without ever having been prepared for such an eventuality. All the pressures of society, perhaps magnified by the mass media, still tend to direct the ambition of a girl to the role of dependent wife. As a result, these girls often miss the opportunity for education and work experience. It has been said that Canadian girls at the age of 16 are still dreaming of marriage as unrealistically as girls of their age did 40 years ago.

20. We are aware of many important disparities between the traditional family and the society of today, as well as conflicts between the family and the legitimate aspirations of women. We believe that many former ways of doing things within the family must change.

21. Change is needed in the most central function of the family—the care of the children. Change too is needed in the laws governing marriage, the mutual obligations of husband and wife, and the dissolution of marriage through divorce. Change is needed in the legal control the state exercises over such matters as birth control and abortion.

22. It is wrong to suppose that, with a few changes, a universal kind of family can be designed which will be suitable for everyone. Essentially, flexibility may be the most needed ingredient for the future of the Canadian family and especially for the role of a woman in her relation to the family group.

## **Part A—Legal Aspects of Marriage and Divorce**

### **(i) Marriage**

23. Marriage in our society involves a change in the legal and social status of men and women. In a number of ways, however, it is a more significant change for women than for men. For example, when a woman marries, her legal domicile becomes that of her husband and she usually assumes her husband's name. Many briefs to the Commission expressed concern about these and other matters which they regarded as either legal inequities or outdated practices.

24. We review here the major implications of marriage upon the status of women, beginning with the conditions required to be met for the solemnization of marriage and then turning to the legal consequences of marriage.

### *Solemnization of Marriage*

25. Jurisdiction over marriage in Canada is shared between the federal and the provincial legislatures according to the distribution of legislative powers in the British North America Act, 1867. Under section 91(26) of the Act, the federal Parliament has exclusive jurisdiction over "Marriage and Divorce" and, under section 92(12), the provincial legislatures have jurisdiction over "the Solemnization of Marriage in the Province". While the Canadian parliament has passed, since Confederation, only three or four minor laws on the capacity to marry, the provinces have exercised their jurisdiction by enacting various conditions for the solemnization of marriages in each province. Among the conditions most frequently dealt with are those relating to minimum age and parental consent.

26. Early marriage is a fact in Canada today. According to the Dominion Bureau of Statistics for 1968, 47,490 women married in the age group

15-19, out of which 11,551 were under the age of 18. Figures for men were respectively 11,832 and 846. During recent years, marriages of women under 20 represented over a quarter of all the marriages in Canada.

27. Minimum age for marriage touches upon the capacity to marry and so falls within federal legislative jurisdiction. But since no federal law has been enacted on this subject, the old rules regulating the capacity to marry still prevail.<sup>6</sup> But the provinces have legislated on the question of minimum age for marriage in their respective Marriage Acts which prescribe the conditions to be met for the solemnization of marriage. While the failure to comply with these minimum age requirements in the provincial Marriage Acts does not invalidate a marriage, the inobservance of the Common Law rules as to minimum age, which is a matter of capacity, would do so. The subject of minimum age for marriage in Canada is further complicated by reason of the diversity of minimum ages established by the provincial Marriage Acts themselves.

28. With parental consent, the minimum legal age<sup>7</sup> is 16 in five provinces: British Columbia, Alberta, Manitoba, Nova Scotia and Prince Edward Island. It is 15 in Saskatchewan, the Yukon and the Northwest Territories and 14 in Ontario. The Quebec Civil Code prescribes 12 for females and 14 for males. Two provinces, New Brunswick and Newfoundland, have no minimum age requirements. The legal age without parental consent is either 18 (three provinces) or 21 (six provinces and the two territories) with the exception of Prince Edward Island where it is 18 for females and 21 for males.

29. The legislation on marriage in three provinces, British Columbia, Saskatchewan and Newfoundland, requires the consent of both parents for the marriage of a minor child. Quebec's Civil Code requires the authorization of either parent, the father or the mother. In five other provinces, Manitoba, Ontario, Nova Scotia, New Brunswick and Prince Edward Island, the Marriage Act requires only the father's written consent. According to these statutes, only under special circumstances is the mother's consent sufficient. This may occur, for example, when the father has been declared mentally ill or is otherwise incapable of giving a valid consent, or when the spouses are living apart and the father is guilty of non-support, or when the spouses are legally separated or divorced and the mother has custody of the child. In Alberta the marriage of a minor child under 18 years requires the consent of both father and mother; if the child is over 18 but less than 21 years, the consent of either parent is sufficient.

<sup>6</sup> At Common Law, a valid marriage could be contracted if the female had reached the age of 12 years and the male 14.

<sup>7</sup> As of January 1970.



30. In all the Common Law provinces, the mother's consent is sufficient if the parents have not been married.

31. Most of the Marriage Acts of the Common Law provinces<sup>8</sup> provide especially for the situation of the pregnant minor. In such cases, when a medical certificate provides proof of pregnancy, the marriage may be authorized even if one or both parties to the marriage are under the minimum legal age designated by provincial laws. However, parental consent is still required in certain provinces.

32. Many briefs presented to the Commission requested that the present minimum ages for marriage with parental consent be raised. Article 2 of the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, provides that states which are parties to the Convention should take legislative action to specify a minimum age for marriage. A recommendation of the General Assembly suggested that such legislative action should set the minimum age for marriage at not less than 15.<sup>9</sup>

33. The purpose of any suggested amendment to marriage legislation on this matter is not, of course, to lay down a "right" age for marriage. Indeed there probably is no such thing as an ideal age for marriage, since a successful marriage depends on many factors particular to each case. Any chosen minimum age is necessarily arbitrary.

34. In Canada, where there are many cultures and a wide variety of customs among people living in the various regions, it is difficult to choose a specific age as being the right age of capacity to marry. Among certain groups, young people tend to marry as soon as they can support a family. It may be argued that the State should protect very young persons from early marriages, in view of the high incidence of marriage breakdown among couples who married young. It is difficult to present any conclusive evidence based on Canadian data that marriage breakdown is particularly prevalent among this portion of the population because the available statistics do not provide a complete analysis of all the variables in marriage breakdown cases. However, American statistics do show that more than 50 per cent of teenage marriages end in divorce or desertion; and since socio-economic conditions in Canada are not very different, we can expect similar patterns to emerge here. In fact, according to a survey conducted in Montreal in 1964, when both parties at the time of marriage were 19 or less, their chances of

<sup>8</sup> British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland. This also applies to the Yukon and the Northwest Territories.

<sup>9</sup> This Convention was adopted by the General Assembly of the United Nations on December 10, 1962, and entered into force on December 9, 1964. The Recommendation (number 2018 XX) of the General Assembly was adopted on November 8, 1965.



success were less than those married at age 22 or over.<sup>10</sup> We heard similar accounts from social workers and marriage counsellors. Many briefs asked that laws be changed to make it more difficult to marry. This might be accomplished by lengthening the period between the publication of the banns or the application for a marriage licence, and the solemnization of marriage.

35. The Commission believes that the fact of pregnancy should not in itself constitute a sufficient ground to permit marriage when both parties are so young or immature that their future may be jeopardized and there is little hope of the marriage being a success. As one brief put it: "We believe it to be of the utmost importance that pregnancy should not be a cause for dispensing with the provision of the law regarding age and consent, because this leads certain young people to seek pregnancy as a means of avoiding parental consent or of avoiding the sixteen year age minimum. There is widespread concern at the increasing rate of breakdown of marriage, especially of teen-age marriages, and experience indicates that this rate of breakdown is even higher in those marriages precipitated by pregnancy."<sup>11</sup> The problem, as it appears to us, does not lie in teen-age marriages themselves but rather in the number of such marriages that are precipitated by pregnancy. These unions are usually not the result of decisions freely made by responsible individuals. Moreover, a girl who marries because she is pregnant will frequently drop out of school and not return. And if the husband deserts her, it is usually she who will bear the responsibility of caring for the child or children.

36. Whether parents give their consent or not, there seems little likelihood that marriage at an early age will in general prove beneficial to either husband or wife. It appears to us that a higher minimum age may do much to ensure more thoughtful decisions. The role of parental authorization is, moreover, often meaningless. When, for example, pregnancy is involved, permission to marry may be given as the solution to a problem. Even when pregnancy is not involved, parents may be prompted to give their consent for fear that they may otherwise lose contact with their child or that the young couple will live together without being married.

37. We think that more meaningful education for the girl, challenging her to accomplishments along lines of her own choosing and heightening her sense of her own worth and significance, may encourage later marriage. Under such circumstances, she would no longer seek to marry to escape

<sup>10</sup> Trottier, M. and A. Normandeau, *Le mariage des adolescents à Montréal. Étude sociologique sur leur chance d'ajustement marital*. Montreal, *Le Service de préparation au mariage de Montréal*, March 1966.

<sup>11</sup> Brief No. 212.

school discipline or parental control. The Commission believes that implementation of its recommendations on education and employment will not only greatly benefit the girl but will present her with attractive alternatives that may dissuade her from early marriage and its often disastrous consequences.

38. We believe that the minimum age for marriage should be 18 years for both males and females, through the enactment of legislation by the federal Parliament exercising its exclusive jurisdiction over marriage. The age of 18 is younger than the average age at marriage for single women, which was 22.6 in 1968. (The average for all women was 24.4 for that year). Nevertheless, this advance in the minimum age for a valid marriage from 12 years to 18 years should promote the idea that marriage is a serious matter not to be entered into without thought or preparation. The Commission considers that a decision to marry at age 18 involves less risk of marriage breakdown and its hardships than at an earlier age, for example at 15 or 16 years, even with parental consent. This consent should not be required for 18-year-olds or over who may be assumed to be sufficiently mature to make responsible decisions. No exceptions at all should be made in order to permit a marriage when one or both parties have not reached the age of 18.

39. Therefore, **we recommend that the federal government enact legislation establishing 18 years as the minimum age for marriage.** Pending implementation of this recommendation, we urge that all the provinces and territories raise the minimum age for the solemnization of marriage with parental consent to a least 16 years.

### *Effects of Marriage on a Woman's Status*

40. It is the custom in Canada, as in many other Western countries, for a married woman to adopt her husband's surname. Briefs submitted to our Commission contain objections to this practice on the grounds that it constitutes a hardship and deprives a married woman of her individual identity. "The fact that a woman at marriage loses her name and assumes that of her husband is an example of a custom that is to a greater or lesser degree harmful to a woman's self-development. A man who can see no harm whatsoever in this practice should ask himself how he would like to lose his own name in marriage and raise children who would be named after someone else."<sup>12</sup>

41. The change of name upon marriage may create, as well, a source of some confusion. For women in business and the professions, it is important to maintain a continuity of name and so some continue to be known and

<sup>12</sup> Brief No. 318.

designated only under their maiden names. It is also current practice for women in some professions always to be listed under their maiden names.<sup>13</sup> Confusion is multiplied by the increasing number of Canadian women who marry again after a divorce.

42. Contrary to what many people may think there is no law which requires a woman to adopt her husband's name upon marriage. The change of name is a custom. But while the law does not precisely state that a married woman's legal name is her husband's, this well established social practice is tacitly implied in some legislation and administrative practices. This is true in particular of the provincial Change of Name Acts<sup>14</sup> and the policy of the Secretary of State for External Affairs<sup>15</sup> with respect to the issuance of passports for Canadian citizens. Upon marriage, a woman's passport is no longer valid. Passports are issued in the legal name of the bearer; in the case of a married woman, her legal name is considered to be her husband's surname. A married woman who uses and is known by her maiden surname in the community where she resides may, however, obtain her passport in that name, provided her marital status and married name are clearly indicated on the passport.

43. In the Commission's opinion there are no reasons why a newly married woman should be required to obtain a new passport, since she now always retains her Canadian citizenship upon marriage. We also believe that married women applying for passports should be informed of their right to have the passport issued in their maiden names if they so request.

44. Therefore, **we recommend that the federal government change its passport application forms in order to indicate that a married woman may obtain her passport either in her maiden surname or in the surname of her husband.**

45. Further, **we recommend that the federal government modify its policy so that a woman need not apply for a new passport after marriage unless she wishes to obtain it in her husband's surname.** If a person marries, however, he or she should be able to have the spouse's name added, on a separate page of the passport, either at the time of marriage or at the next review date.

<sup>13</sup> For example, in the Province of Quebec, where an increasing number of women are admitted to practise as notaries, the statute regulating the profession was amended to provide that married female notaries shall use their maiden names whenever they sign deeds or other documents or whenever they act in their official capacity.

<sup>14</sup> The Commission heard briefs in which it was asked that these Acts be amended. It is to be noted however that these acts are not relevant to a wife assuming her husband's surname.

<sup>15</sup> This policy is based upon internationally accepted passport issuing policies. Passport issuing procedures in Canada are governed by internal policy directives of the government and not by regulations.



46. Some briefs have suggested that all women, whether married or unmarried, should be called "Mrs." or be able to use any other prefix equally applicable to all. It was also suggested that the practice of using prefixes for both men and women should be abolished. In our opinion, there is some merit in the suggestion that all adult women be encouraged to use the prefix "Mrs.". In West Germany, for example, all women over 21 years of age can be called "Frau". ("Mrs.") One way to introduce this practice in Canada would be for the federal government to use the same mode of address for all women in its dealings with them.

47. Upon marriage, and as one legal consequence of her new status according to English Common Law and the Quebec Civil Code, a woman's domicile becomes that of her husband. This principle, the unity of domicile, is based on the legal doctrine of the "unity of spouses" which held that the legal personalities of husband and wife were fused into one.<sup>16</sup>

48. There is a common misconception that domicile and residence are more or less synonymous. Residence is the place where a person lives, at any one time, whereas domicile is the legal concept which determines a person's permanent home. It is the law of a person's domicile that determines his civil status and capacity and therefore most of his personal rights and obligations. An individual's domicile also determines the jurisdiction of the courts; for example, in matrimonial matters, the court competent to hear the action is that of the petitioner's domicile.

49. Since 1968, when the new Divorce Act was passed, a married woman is considered to have an independent domicile—one distinct from that of her husband—for the purposes of filing a petition for divorce or seeking the recognition in Canada of a foreign divorce. In these instances only, her domicile is determined as though she were unmarried and, if she is a minor, as though she had attained her majority. This measure represents a considerable improvement over the previous state of the law. For the first time in Canadian legislation a married woman is considered as having an independent domicile. In addition, in two provinces (Alberta and Quebec), a wife may acquire an independent domicile upon the granting of a judgment pronouncing a judicial separation.

50. For all other purposes, however, a wife's domicile, like that of her minor children, is that of the husband. It changes as he changes his and sometimes, therefore, changes against her will or even without her knowledge as, for example, in the case of a *de facto* separation.

<sup>16</sup> Since "by marriage, the husband and wife are one person in law" according to Blackstone's *Commentaries of the Laws of England*, 4th ed., Vol. 7, ch. 15, 1771, p. 442.



51. In our opinion this concept of the dependent domicile of the married woman is inconsistent with the concept of the equality of men and women, an equality that is now recognized in most aspects of the law. It continues to represent, therefore, a serious impediment to the rights of married women because, as a general principle of our legal system, the place of domicile determines the personal status and capacity, and thus the rights and obligations of an individual. The Economic and Social Council of the United Nations has adopted a resolution concerning the domicile of married women in which it recommended "that Governments take all necessary measures to ensure the right of a married woman to an independent domicile."<sup>17</sup> More recently, the Family Law Project of the Ontario Law Reform Commission recommended that "provision should be made to enable a married woman to acquire a separate domicile for all purposes within the scope of the Family Law Project, and all matters of marriage and divorce within federal jurisdiction."

52. Reform is needed in this area. A draft has already been put forward by the Conference of Commissioners on Uniformity of Legislation in Canada, in its model statute on the law of domicile, which proposes the replacement of the Common Law rules for determining the place of domicile.<sup>18</sup>

**53. Therefore, we recommend that the provinces and territories amend their legislation so that a woman, on marriage, may retain her domicile or, subsequently, acquire a new domicile, independent of that of her husband.**

54. There is a special kind of discrimination under the terms of the Indian Act which can affect Indian women upon marriage. The Act provides that an Indian man who marries a non-Indian retains his Indian status and confers it on his wife and children. An Indian woman who marries a non-Indian or a non-registered Indian, not only cannot confer on him the status of an Indian but loses all the rights and privileges of an Indian, as do the issue of the marriage. She is automatically enfranchised, that is, not considered to be an Indian within the meaning of the Act. When we speak of Indians, we refer only to those persons who are registered Indians or who have a right to be registered in the Indian Registry.<sup>19</sup> Only those who are registered are considered Indians under the Act.

55. Loss of the Indian status, or enfranchisement, implies that the rights and privileges given to a member of a band by the Indian Act will be denied to that person and that his interest in land on the reserve will have to be

<sup>17</sup> Resolution concerning the Domicile of Married Women, adopted by the 890th plenary meeting, August 3, 1955, of the Economic and Social Council of the United Nations.

<sup>18</sup> Proceedings of the Conference of Commissioners on Uniformity of Legislation in Canada, 1961, p. 139.

<sup>19</sup> The Indian population totalled 230,997 as of December 31, 1967.

disposed. On enfranchisement, an Indian member of a band is no longer qualified to receive his share of the capital and revenue held by the Crown on behalf of the Band, nor is he qualified to receive any other annuities, interest, moneys or rents for which he was formerly qualified. However, he will receive some compensation for this loss.<sup>20</sup> Within 30 days of the issuance of the order of enfranchisement, the Indian subject to the order is obliged to dispose of his interests in land and improvements on the reserve.<sup>21</sup>

56. Enfranchisement or deletion of the name of an Indian from the Indian Registry is much more frequent for women than for men. Between 1958 and 1968, 4,605 Indian women had their names automatically removed from the Indian Registry, following marriage to non-Indians, while 891 adult Indians were enfranchised upon application. In 1967-68, 470 women were enfranchised following their marriage to non-Indians, compared to 62 women and men who were enfranchised upon application.

57. Briefs presented to our Commission from all parts of Canada, from Indians both registered and enfranchised, have underlined the discriminatory nature of this provision of the Indian Act. As they stated, a "non-Indian woman who marries a male member of the Band assumes all the tribal rights and privileges that her husband possesses. She can vote on major issues . . . participate in the direct election of a Tribal Councillor."<sup>22</sup>

58. We are aware that the legal status of all Indians of Canada may be significantly affected by the policy proposed by the government.<sup>23</sup> Pending the implementation of any new policy, we believe that the interests and rights of Indian women must be affirmed immediately. We were surprised by the opening sentence of the Statement of the Government of Canada on Indian Policy 1969, that "To be an Indian is to be a man, with all a man's needs and abilities." Legislation should be enacted to repeal the sections of the Act which discriminate on the basis of sex. Indian women and men should enjoy the same rights and privileges in matters of marriage and property as other Canadians.

59. Therefore, we recommend that the Indian Act be amended to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children.

<sup>20</sup> A total of \$164,046.59 was paid out in enfranchisement funds during the fiscal year 1967-68.

<sup>21</sup> Indian reserves now total nearly 6,000,000 acres, divided into 2,200 parcels of varying sizes. Interest on land and improvements on the reserve can represent an appreciable asset.

<sup>22</sup> Brief No. 245.

<sup>23</sup> Statement of the Government of Canada on Indian Policy, 1969, presented to the First Session of the Twenty-eighth Parliament by the Minister of Indian Affairs and Northern Development.

*Matrimonial Property Law*

60. The philosophy of the wife's legal dependence upon her husband prevailed in English law until the latter part of the nineteenth century. It also prevailed, as originally applicable, in the Common Law provinces until the same period, and much longer under the French Civil Law as adapted in Quebec. Today, however, a married woman has full legal capacity to own and deal with property and to enter into contract. This capacity was attained almost a century ago in the Common Law provinces, but only within the last few years in Quebec.

61. Real equality, however, cannot exist without economic independence. A great number of married women are still working solely in the home even though the majority of women in the labour force are married. Although women at home contribute to a large extent to the accumulation of various family assets, they continue to be economically dependent upon their husbands. This factor must be borne in mind when the consequences of matrimonial property law are considered.

62. Briefs and letters to the Commission emphasized that the present law completely ignores, in terms of property rights, the married woman's contribution in the home. Indeed, under the system of separate property now in force in nine of the 10 provinces, a husband's earnings and savings are his exclusive property. When the marriage ends by death, his widow has no automatic legal right to share in the assets he may have accumulated. If the husband should disinherit his wife by leaving his estate to someone else, her only recourse in these same provinces lies under the testators' dependant's relief legislation. If the marriage ends by divorce or judicial separation, she is entitled only to maintenance.

63. This situation is, without doubt, particularly unfair to married women in our present social context. After marriage most of them continue to work outside the home at paid employment until the first child is born. When the last child is in school, they often return to the labour market. This typical work pattern, which frees the husband of many family responsibilities, enables him to devote himself to outside paid employment, establish a career and accumulate assets, an opportunity that is denied the wife; she does not enjoy, either to the same extent or for as long a period, a similar possibility of acquiring assets of her own. Accordingly, many briefs proposed that the law should acknowledge, under one form or another, the married woman's economic contribution to the household. The main proposal has been that she should be attributed a legal one-half share in the assets acquired during marriage. Before we comment on this proposal and make our own recom-



mendations, it will be useful to review briefly the history of matrimonial property law and indicate those developments which have introduced the idea of partnership into this aspect of the law of marriage.

64. The adoption of the system of separate property in England and the Common Law provinces was brought about mainly by the awareness that the former law discriminated against married women. Before that time, one consequence of the doctrine of the unity of the spouses was that a married woman could hold no property of her own. The husband had the administration and enjoyment of his wife's property. She had no contractual capacity and only a very limited testamentary capacity. Any debts which she had contracted before marriage became the responsibility of her husband, who was also answerable to third persons for any civil wrong causing damage committed by her.

65. Until the latter part of the nineteenth century, the Courts of Chancery played an important role in improving the married woman's situation. They developed a system of equity rules which enabled the wife to protect some of her property from her husband's control.

66. It was however only with the English legislation of 1870 and 1882, in the form of the Married Women's Property Acts, that the married woman obtained legal capacity in matters of contracts and property. She was then entitled to hold, acquire and dispose of real or personal property, as her own private or separate property, in the same way as a single woman. She could sue in her own right and contract with her husband as if she were unmarried.

67. In Canada, each Common Law province, largely inspired by the English legislation, adopted its own Married Women's Property Act. The subsequent evolution of matrimonial property law in Common Law Canada has generally continued to follow the English pattern. But the Canadian system of matrimonial property law is not a simple carbon-copy of that prevailing in England, because some institutions which exist here have been abolished there and *vice versa*.<sup>24</sup> Today all Canadian provinces except Quebec are under a system of separate property which ensures to a married woman the legal capacity of a single woman.

<sup>24</sup> For instance, dower was abolished in England in 1925 while it subsists, although in a modified statutory form, in five Canadian provinces: Ontario, Alberta, New Brunswick, Nova Scotia, Prince Edward Island. The husband's "estate by curtesy" is still in force in Ontario and Prince Edward Island, whereas it has been abandoned everywhere else. The four western provinces, Manitoba, Saskatchewan, British Columbia and Alberta, have adopted the homestead legislation of American origin, unknown in England. For example, in Alberta, dower rights are the rights given by The Dower Act to the spouse of a married person in respect of certain land and personal property of the married person. A wife has a dower right in her husband's property and a husband has a dower right in his wife's property. Under this Act a married person cannot dispose of what is known as the homestead without the consent of his or her spouse and after death his or her spouse is entitled to the use of that property for the rest of his or her life.



68. In Quebec, the adoption in 1969 of a new matrimonial property regime, known as the "partnership of acquests", which is automatically applicable to married persons who have not entered into a pre-nuptial contract excluding it, has considerably changed the nature of matrimonial property law. This new legal regime is considered a major reform of the Quebec Code which came into force in 1866. In order to understand the significance of the change, it is necessary to refer briefly to the former system as it prevailed in Quebec.

69. Unlike people living in the other provinces, consorts under Quebec law have always been able to choose one of several matrimonial regimes. The former legal regime, applicable in the absence of a marriage contract, was that of community of property, which restricted the legal power of the wife to act without her husband's authorization. The husband alone had the entire administration of the common property although the wife was entitled to one-half the property on the dissolution of the marriage. A variety of conventional regimes, modifying or even excluding community of property altogether in favour of a separate property regime, could be adopted by the spouses upon written agreement before marriage. The most common conventional regime was in fact separation of property under which, in a number of respects, the wife's power to act was not so severely curtailed, and roughly corresponded to the legal situation of the married woman under English Law. As a general rule, however, a married woman was traditionally deemed to be incapable, except as expressly specified by law. However, under the separate property regime the wife had—and still has—no legal claim on her husband's estate if he should disinherit her.

70. It should further be noted that Quebec law provided, whether in the case of community or separation, that no change could be made to the matrimonial regime once adopted; this same prohibition, in a desire to protect creditors as well as the wife herself, also extended to contracts of sale and gifts between married persons, as well as the wife acting as guarantor for her husband's debts.

71. An important step towards the liberalization of these rules was taken in 1964 upon the adoption of the Act respecting the Legal Capacity of Married Women.<sup>25</sup> The purpose of this reform was both to assert the principle of the wife's full legal capacity, subject only to whatever restrictions were implied by the matrimonial regime, and to reduce the husband's powers over the community assets. The situation of the wife separate as to property was fully equated to that of a single woman. Under community of property,

<sup>25</sup> *Statutes of Quebec*, 1964, C. 66, still popularly known in Quebec as "Bill 16".

however, despite the new principle of full capacity, there remained some aspects of the wife's legal inability to act.<sup>26</sup> This same matter of legal capacity has been further corrected by the 1969 legislation concerning matrimonial regimes. Under the new legal regime (partnership of acquests) the wife has full legal capacity.

72. Despite its simplicity, separation of property has caused many practical difficulties and inequities as the decisions of the courts over the past 20 years have revealed. In the first place, when a wife gives up or interrupts her career to look after the home and children, the assets acquired by her husband during marriage are wholly his under separation of property, unless he chooses to benefit her by way of a gift. The wife is unable to claim wages for housekeeping services because, in law, there is no contract of service between spouses. Secondly, the individual interest of each spouse in property may be hard to ascertain as a result of the inevitable confusion of assets occurring in most married households. Difficulties may very well be encountered regarding the division of such assets when the marriage ends by death or by divorce.<sup>27</sup> The system is impractical when both spouses contribute to household expenses, pool their assets and buy property jointly.

73. The Family Law Project of the Ontario Law Reform Commission has recommended a fundamental reform of the Ontario system of separation of property<sup>28</sup> which in some ways is similar to the new Quebec system although there remain significant differences between them. According to the Ontario proposal, and on this first point it is similar to the traditional rule of Quebec law, husband and wife would be able to select the matrimonial regime which they consider most suitable to their situation. The choice of the matrimonial regime would be privately determined by the couple rather than laid down by statute, as is now the case under the Married Women's Property Act.

74. The Family Law Project proposes that legislation on this subject should therefore provide for two regimes; a "legal" regime and a "contractual" regime. To adopt the contractual regime, which will be the present separation of property, the spouses must sign an affidavit to the effect that they do not wish the legal regime to apply. In addition, they may, before

<sup>26</sup> The wife could not sell, alienate or mortgage her own immoveable property without her husband's authorization although she might freely dispose of all her other property with the exception of household furniture or a business; neither could she, by her own act, save where she made purchases of household necessities, bind or charge the common property except with the husband's consent or with judicial authorization. (former section 1292 and following of the Civil Code).

<sup>27</sup> There are no positive guidelines either in legislation or in court decisions for the division of assets between spouses where both contribute, although not necessarily to the same amount or in the same way, to the purchase of property and their marriage subsequently breaks down and they decide to separate.

<sup>28</sup> Family Law Project. *Study on Property Subjects*. Vols. 1, 2 and 3, Toronto, Ontario Law Reform Commission, January 1968, as revised in January 1969.

marriage, make any marriage contract or settlement providing for arrangements different from either the legal or contractual regimes as laid down by statute. If the spouses make no such arrangements prior to marriage, they will automatically be subject to the legal regime. If, after marriage, the spouses wish to change from the legal to the contractual regime, they may do so by joint application to the court. Once the legal regime has been terminated in this way, while the marriage still exists, the spouses will automatically be subject to the contractual regime which is separation of property as it now exists.

75. The proposed legal regime is a new type of matrimonial regime for Ontario. It is basically a modification of the system of separation of property, although during their lives together the property position of the spouses will be the same as under the present regime. The proposed legal regime is not therefore a system of community of property, because at no time during marriage does property pass into any form of common ownership. From the point of view of third parties, then, there is no essential difference between the rules of the proposed legal regime regarding dealings with property prior to the liquidation of the regime and the present system of separation of property.

76. The new regime does, however, involve in particular a scheme for equalizing the distribution of property between husband and wife upon the dissolution of the marriage. Its new and important feature lies in the suggestion that there be a claim, which one spouse may make against the other, which will come into effect either at death or upon divorce, or upon application to the court.<sup>29</sup>

77. The proposed system, however, maintains a substantial difference between a liquidation of the regime upon the death of a spouse (a fairly simple process) and the liquidation occurring while both spouses are alive as on divorce (which involves the calculation of a "balancing claim" in the court).

78. In order to protect this eventual interest of either spouse in the other's property, the Project recommends that controls be established over possible transfers of property during the marriage so that the operation of the balancing claim will not be defeated. These recommended controls in the legal regime are limited to two situations: the matrimonial home and excessive

<sup>29</sup> On the termination of the marriage otherwise than by death, the net estate belonging to each spouse is ascertained; after allowed deductions are made from the net estates, there remains the "residuary estate" of each spouse. The ultimate share of each is then obtained by adding the two residuary estates together and dividing by two; the spouse having the lesser residuary estate is a creditor of the other spouse (or estate) for the difference between his or her residuary estate and half the combined residuary estates. This difference is referred to as the "balancing claim".



gifts. It is in particular recommended that the sale of, or granting of security over, the matrimonial home require the consent in writing of both spouses. This is a change from the present rule of the legislation regarding dower which requires the wife's written waiver for the sale or use as security of all the husband's property and not merely the matrimonial home. The purpose is to keep this kind of control to a minimum except for the need to protect the family home for the benefit of the spouse and children.

79. For some years now, Quebec's community of property system, the legal regime provided by the Civil Code since it came into force more than a century ago, has been rejected as inappropriate by most married couples. A growing trend in favour of separation as to property has been very noticeable over the last 40 years. It has been estimated that whereas in 1932 43 per cent of all marrying couples signed a marriage contract adopting separation as to property, this proportion increased to 73 per cent by 1962.<sup>30</sup> Objections to the community system have been founded largely on the complexity of its rules of administration and the considerable curtailment of the married woman's legal power to act which it involved. The discredit into which the community system has fallen thus created something of a paradox in Quebec law: the regime, intended to represent an ideal suited to the generality of cases, was in fact governing only a small portion of the married population.

80. Community of property however has traditionally offered certain advantages to the married woman. The principal benefit to the wife lies in the fact that upon dissolution of the regime she receives a half share in the couple's assets accumulated during marriage. The organization of the community system also provides safeguards intended to protect the interests of the wife should the husband be endangering the community property through poor administration.

81. Quebec's Office of Revision of the Civil Code, upon the report of its Committee on Matrimonial Regimes, decided that community of property should be rejected as the legal regime in favour of a system that would better suit the majority of Quebec families and also represent the ideal of partnership. A new legal regime, "the partnership of acquests", was accordingly established under the terms of the Act Respecting Matrimonial Regimes which came into force on July 1, 1970.<sup>31</sup> The new law was to some extent inspired by similar systems already prevailing in a number of European countries.

<sup>30</sup> Comtois. Roger, *Traité théorique et pratique de la communauté de biens. Le Recueil de Droit et de Jurisprudence*, 1964, p. 321.

<sup>31</sup> *Statutes of Quebec*, 1969, c.77. The new legislation is almost wholly based on the recommendations and draft act contained in the final Report of the Committee on Matrimonial Regimes, of the Office of Revision of the Civil Code.



82. This new system of partnership of acquests respects the equality, autonomy and independence of the spouses during marriage by establishing separation of property between them. Each spouse administers his own assets and is responsible for his own debts. At the dissolution of the regime, upon divorce, death, judicially pronounced separation or later contractual change, each spouse (or his estate) participates in the gains achieved by the other during marriage. Each is therefore given a claim to one-half of the other's "acquests", that is to say all property acquired after marriage otherwise than by gift, will or legal succession. It follows that each spouse may hold two types of assets during marriage, "private" property and "acquests."<sup>32</sup>

83. This new legal regime in Quebec law adopts the idea that marriage is an equal partnership, assuring to each partner an equal share in the property derived from their joint efforts and savings during marriage. To achieve this end, the community idea is preserved but only as an accounting procedure for the purpose of an equitable distribution of assets at the termination of the regime.

84. Other important reforms were also achieved by the new legislation.<sup>33</sup> The former legal community of property is now a wholly conventional regime which couples may choose before marriage by written agreement; they retain as well the right to elect complete separation as to property as a contractual regime, in the same way as under the former law.

85. In addition, the new Quebec law abolishes the principle that married persons are unable to change their matrimonial regime once the marriage has been solemnized (the principle of immutability of matrimonial regimes). Spouses are now permitted to change their matrimonial regime during marriage upon completion of certain requirements and formalities the purpose of which is to ensure that the interests of the spouses themselves as well as of third parties may not be defeated through the proposed change. The admission of this new principle carries with it, as a further consequence, the abolition of the traditional prohibition against the spouses contracting with each other. Married persons in Quebec now have the right to sell property to each other and to make gifts to each other even outside the terms of those promised in a marriage contract; further a wife is

<sup>32</sup> In order to facilitate the identification of assets, a presumption exists that all property is an acquest unless either spouse, claiming the contrary, can prove that it is "private". On the dissolution of regime, each spouse has the option of either accepting or renouncing the partition of the acquests of the other; any agreement to the contrary is null and void.

<sup>33</sup> As mentioned, however, the new law also introduces important modifications to the community regime itself: in particular, the wife now has the full control of her personal property; she can, as well, henceforth bind the common assets by her own acts, if there is no formal opposition by the husband.

able to undertake an obligation with or on behalf of her husband. In these respects Quebec legislation is now similar to the present law of all the Common Law provinces.

86. The Quebec law has therefore introduced many elements of a separate property system into the community concept, while the Ontario reform proposes modifications to its separate property system which will bring about a similar final result. In both provinces an attempt has clearly been made to combine the advantages of community property with those of separation of property, while avoiding, if possible, the traditional shortcomings of both. The law, regardless of the nature of the spouses' respective contributions, treats them as equal partners entitled to equal shares upon the termination of their marriage.

87. While we believe that these reforms constitute important steps towards the recognition of equal rights in favour of married women, we must remember that for the majority of couples both the Ontario balancing claim and Quebec's partnership of acquests will in principle only come into effect at the dissolution of the marriage. Whatever the controls or safeguards provided by law during the marriage, these two reforms only look forward to an expectancy of equal rights upon divorce or death. They do not solve the problem of financial security during marriage for the partner who does not accumulate assets through paid employment and is without property of his or her own—as is usually the case of the wife working at home or of the deserted wife. If a system could be devised whereby equal rights to matrimonial property were to be realized during marriage, it would provide greater security for married women in this position and more fully express the true sense of the partnership between married persons. The Commission has discussed this problem but must confess that it has found no practicable solution; it is hoped that provincial legal reform commissions will study the matter further.

88. The Commission considers nonetheless that legal reforms such as those put forward in Ontario and Quebec are at this time in the best interests of Canadian married women.

89. Therefore, we recommend that those provinces and territories, which have not already done so, amend their law in order to recognize the concept of equal partnership in marriage so that the contribution of each spouse to the marriage partnership may be acknowledged and that, upon the dissolution of the marriage, each will have a right to an equal share in the assets accumulated during marriage otherwise than by gift or inheritance received by either spouse from outside sources.

90. It should be noted that, incidental to a divorce, there may be orders relating to alimony and maintenance of children that modify in effect the property rights of the spouses.

91. The Commission believes that it is important for women who plan to marry to know their rights and obligations and to take an active part in choosing the matrimonial regime that is best for them. Too often, it is only the man who concerns himself with this decision; the woman usually seems reluctant to inquire about her rights under the various possibilities open to her. Information on this matter should be supplied by the Information Centres recommended in the Chapter on education. Marriage counsellors should also inform women of their married property rights.

### *Maintenance Obligations*

92. In law, maintenance obligations are imposed on persons connected by marriage, adoption or blood relationship. The law puts the duty on certain members of the family group (spouses, parents, children) to contribute financially to the support of other members who are not self-sufficient. For example, because age or physical disability may make them dependent for their subsistence, children are granted maintenance rights against their parents, and elderly parents who are indigent are granted the same rights against their children.<sup>34</sup> The maintenance due is established according to the need and the ability to pay.

93. In Canada this type of obligation is recognized in both federal and provincial legislation. Under section 186, 1 (a) and (b) of the Criminal Code, every Canadian parent is liable for the support of his children, and every husband for the support of his wife. Non-support is a criminal offence sanctioned by way of fine, imprisonment or both. All the provinces have legislation imposing maintenance obligations on the husband and father for the support of his wife and children.

94. A review of provincial legislation with respect to support obligations between husband and wife during the marriage indicates that nine of the 10 provinces still enforce the traditional concept of the wife's dependence on her husband. Only in Alberta and the Yukon Territory is the maintenance obligation made reciprocal between husband and wife.<sup>35</sup> In all the other

<sup>34</sup> Six Canadian provinces (Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and New Brunswick) have a Parents' Maintenance Act where this obligation is expressly stated. The two Territories have similar provisions in their respective Maintenance Ordinance. The maintenance obligation towards parents is also provided for in the Quebec Civil Code at Art. 166; Newfoundland has a similar rule.

<sup>35</sup> Alberta, The Maintenance Order Act. *Revised Statutes of Alberta* 1955. C. 188, s. 4. Yukon, The Maintenance Ordinance. *Revised Ordinances of the Yukon Territory* 1958. C. 68, s. 6.



provinces and the Northwest Territories, the law clearly provides that, even though the court must have regard to the financial situation of both parties in awarding maintenance, a husband is bound to maintain his wife. They fail to impose the same obligation on the wife with respect to her husband.<sup>36</sup> The Family Law Project of the Ontario Law Reform Commission has recommended that the support obligation be made reciprocal between the spouses during marriage. It should also be noted that the Divorce Act makes the obligation for maintenance reciprocal after the dissolution of the marriage.

95. We believe that the position taken by most provincial legislation perpetuates the concept that all women are economically dependent upon their husbands and does not recognize their economic contribution, whether direct or indirect. It is accordingly inconsistent with the idea of partnership in marriage. In any event, while many married women in this country are in fact financially dependent, there is nevertheless a growing number who are economically independent; for that reason alone such legislation is out of step with the times.

96. Under provincial and territorial legislation all parents are not in the same position regarding the support of their children. In only four provinces, Manitoba, Quebec, Ontario and British Columbia, does the law clearly impose on both husband and wife an equal responsibility for the maintenance of children under the age of 16 years. Some provinces and the two territories, while admitting the principle that a "parent is liable for the maintenance of his child or children", appear to impose this obligation primarily on the father. The mother's obligation towards the children is secondary or supplemental, arising only in circumstances where the father is unable to support the children and she is able to do so. The statutory rules of Prince Edward Island and Newfoundland likewise hold a mother equally responsible with the father only where she has sufficient property or income to provide for herself and her children. The wording implies that the financial obligation rests primarily with the father and, failing him, falls upon the mother.

97. From the principle that marriage is a partnership it should follow that the spouses are equally responsible for the financial support of their children. This rule is, in fact, recognized in most countries where both spouses are required to contribute, according to their means and abilities, to their mutual support and to that of their children.

<sup>36</sup> In Quebec, however, Art. 176 of the Civil Code, under which only the husband is obliged to provide for his wife, is less absolute since a recent court decision declared that a wife can be held to support her husband when she has income or property of her own.



98. Therefore, we recommend that the provinces and territories, which have not already done so, amend their laws so that a wife who is financially able to do so may be held to support her husband and children in the same way that the husband may now be held to support his wife and children.

99. Further, we recommend that the Criminal Code be amended so that the wife may be held to support her husband in the same way that the husband may now be held to support his wife.

100. Upon the breakdown or dissolution of marriage by reason of desertion, separation or divorce, maintenance obligations can be determined by private agreement or by court order. Experience shows that in a vast number of cases of *de facto* separation, the parties will sign, with a lawyer's advice, a separation and maintenance agreement which provides for the children's custody, the amount and method of payment of the maintenance agreed upon and other conditions of the separation. In separation or divorce proceedings, the court will often use, although not formally ratify, such agreements as a basis for the amount of alimony or maintenance to be awarded. Some provincial legislation provides that these agreements are enforceable provided they are not contrary to public policy. The courts however have stated many times that, as a matter of principle, no agreement between the spouses can oust their jurisdiction.

101. Failing such agreements, in cases of separation or divorce, the court determines the extent of the maintenance obligation. Under the Divorce Act, 1968, the court may make a maintenance order against either the husband or the wife. The judge, upon a divorce petition, may make any order as to maintenance that he deems just and reasonable, having regard to all the circumstances of the case such as the conduct of the parties, the age and number of children, the respective financial ability of both spouses, or the possibility that the wife work. After a final judgment of divorce, the judge also has the power, upon petition of one or both spouses, to vary, reduce or cancel existing maintenance orders so as to take into account any change in the economic circumstances of the parties. If the wife remarries, she will normally lose her maintenance rights against her former husband.

102. Despite the fact that maintenance obligations are recognized in provincial legislation and that a relatively simple procedure is provided for, it appears that maintenance orders are in fact very difficult to enforce. Sometimes the financial situation of the parties is such that no order can be rendered or, if it is rendered, it will not be effective. The result is that many women must rely on public assistance for the support of themselves and their children. This problem arises in all parts of Canada. It usually

arises after a judgment in divorce containing an order for maintenance but it also occurs in cases of separation or desertion, both of which are circumstances which entitle a woman to apply for maintenance in most provinces under provincial Deserted Wives' and Children's Maintenance Acts.

103. All provincial Maintenance Acts provide for sanctions which the court may impose when there is a failure to comply with a maintenance order. The legislation of the various provinces mentions one or more, or all, of the following sanctions: (1) the garnishment of wages; (2) the registration of the maintenance order at the Land Registry Office, which forms a charge against the debtor's property; (3) the payment of a fine (not exceeding \$500); (4) imprisonment of the defaulting party: under most provincial statutes for a maximum period of three months. Section 186 of the Criminal Code provides for a period of imprisonment not exceeding two years.

104. Apparently the first two methods are frequently used, but their effectiveness is limited where the defaulting husband is either unemployed, cannot be located or has very little property. Jail sentences, although sparingly used, may sometimes be imposed after a "show cause" summons has been issued against a husband who wilfully refuses to comply with the maintenance order. The wilful refusal to obey a court order is regarded as contempt of court. However, if it appears that the defaulting husband is unable to pay, the judge will not grant an order for his imprisonment because there has been no wilful default. Jail sentences have the effect of exacerbating the wife's already poor financial situation.

105. In the case of family desertion, the support judgment granted on application by the wife obviously cannot be effectively enforced unless the deserting husband is located which is often particularly difficult to do if he has left the province in which the couple lived. It is then the wife's responsibility to trace her husband, a process which may cost a great deal of time and money and often brings no success. All Canadian provinces have enacted Reciprocal Enforcement of Maintenance Orders Acts, for the purpose of enforcing in one province the maintenance order in favour of a dependant in another province, but this legislation is not always effective. The main shortcoming of this legislation is that it involves lengthy correspondence and cumbersome procedures in proportion to the small amounts that may eventually be recovered. In addition, it is comparatively easy for the deserting party to evade enforcement procedures by moving from place to place.

106. Some provincial statutes determine the maximum amounts to be paid under alimony or maintenance orders. This legislation principally affects those who cannot afford the cost of the legal fees of a lawyer to obtain a separation or undertake divorce proceedings. Depending on the province, the rates may vary from \$15 to \$30 each week for each child and from \$30 to \$75 each week for the wife. Other provinces leave it within the discretion of the court to order weekly or monthly payments in such amounts as it deems just and reasonable. According to the briefs received, the amounts fixed in practice are usually small. While it is known that most deserting husbands are in a low income bracket, their financial abilities do vary and we see no reason why low maximum amounts should be set out in legislation. Those contained in the legislation of those provinces that have set out such maxima are certainly inadequate to meet present living costs.

107. Therefore, **we recommend that those provinces and territories which have established maximum amounts for maintenance orders remove such ceilings.**

108. Many briefs described both the problems arising from low maintenance payments and the difficulties encountered by many deserted wives in their attempts to secure such payments. Their efforts often involve a series of frustrating visits to court, then to a welfare agency and then back to court again, without ever actually receiving the needed money. Maintenance payments are thus a problem from both the social and the legal points of view. Legal reforms alone, we believe, will not solve all the present difficulties in this regard but appropriate measures could be enacted to improve the situation.

109. A proposal along these lines has been made by the Family Law Project of the Ontario Law Reform Commission<sup>37</sup> and we endorse it. The suggestion is that there be established an "Assessment Branch" of the Family Courts which would deal exclusively with alimony and maintenance payments. If a deserted wife does not take the initiative herself in recovering maintenance, she would be entitled to apply to this Branch for an immediate emergency payment if necessary, and then, also from the Branch, for periodic payments the specific amount of which would be calculated having regard both to her need and her husband's ability to pay. The funds received from the husband would be paid into the Branch and the Branch would also carry out any necessary court procedures. It would continue to pay maintenance to the wife even if the husband disappears. It is also proposed that

<sup>37</sup> Family Law Project. *Study on Support Obligations* (Part II). Vol. 12, Toronto, Ontario Law Reform Commission, 1969, pp. 596-606.



the powers of the courts be increased to ensure a more effective enforcement of maintenance orders. Apart from other advantages, it is a method calculated to take immediate care of the most pressing financial need of a married woman upon her husband's desertion and it relieves her of the obligation of having to file proceedings against him.

110. Related to the problem involved in collecting orders are further difficulties arising by reason of the number of courts in every province having jurisdiction over children and family matters. Effectiveness in dealing with such questions suffers from fragmentation and duplication among magistrates and district, county and supreme (or superior) courts. The problem relating to a single family may be dealt with by several different courts either at the same or different times. We believe that all questions touching the family unit should be brought within the jurisdiction of one court, the Family Court. Some provinces have already begun to organize such courts but very few have the auxiliary services required for the adequate functioning of the new system which a court structure reformed in this way implies.

111. Therefore, **we recommend that the provinces and territories, which have not already done so, adopt legislation to set up Family Courts.**

112. Further, **we recommend that the auxiliary services of Family Courts include an assessment branch dealing with the assessment and payment of alimony and maintenance.**

113. We recommend, in the Chapter on poverty, that mothers solely responsible for the support of their families be paid a guaranteed annual income as a measure of relief from their financial insecurity. But many other reforms are also needed in the realm of preventive welfare. Maintenance and welfare are not desirable as permanent arrangements. The deserted spouse or parent should be helped to become self-supporting. Solutions involving better opportunities for paid work outside the home, the establishment of more day-care centres, the promotion of training facilities and manpower services and many other measures, are all part of the answer to this problem. They are discussed elsewhere in this Report.

### *Custody and Guardianship*

114. When the parents are living together, the father and mother have equal rights to the custody and guardianship of their minor children, according to most provincial legislation. This is the case in seven Canadian provinces: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Prince Edward Island. The principle of equality in this matter is generally



stated as follows: "Unless otherwise ordered by the Court and subject to this Act, the father and mother of an infant are joint guardians and are equally entitled to the custody, control and education of the infant."<sup>38</sup> In Nova Scotia, there is no legislation on this matter. While no mention is made of equal rights during marriage it appears, however, that the parents are "joint guardians". The same is true of New Brunswick and Newfoundland, where no specific rule is stated.

115. Upon separation or divorce, the spouses may determine their respective rights to the custody of their minor children in a separation agreement. Failing such agreement, upon application of the father or mother, a judge may make such an order as he deems fit regarding custody and the visiting rights of either parent, "having regard to the welfare of the child and to the conduct of the parent or person and to the wishes of the mother as well as of the father . . ."<sup>39</sup> In divorce or separation proceedings, the court may also exercise its discretion in the interest of the child, as provided in the federal Divorce Act, or the law of those provinces where judicial separation is possible. Certain provinces, in addition, have provisions enabling the court to declare that one of the parents is unfit to be granted custody of his child.

116. In those provincial legislations where the spouses are recognized as vested with equal custody and guardianship rights, the spouse surviving the death of the other becomes the sole guardian of the children. This is also the case in Nova Scotia where, on the death of her husband, a wife automatically becomes guardian to her children either alone or jointly with the guardian the husband may have appointed in his will.<sup>40</sup> When the spouses are separated or divorced, however, such right does not arise automatically upon death if the spouse was not previously granted custody by court order. In such a case, to be appointed as guardian, the survivor must proceed by way of petition to the court; a similar rule applies in the case where he or she has been declared unfit by an earlier court order.

117. All this legislation pertains to legitimate children. When a child is born of unmarried parents, most provincial legislation and that of the two territories provides that the child's mother will have custody and guardianship to the exclusion of the father. It is a feature of most Canadian laws on illegitimacy that they establish a legal relationship only between the child and its mother.

<sup>38</sup> The Infants Act. *Revised Statutes of Ontario*. 1960. C. 187, s. 2 (1).

<sup>39</sup> The Deserted Wives' and Children's Maintenance Act. *Revised Statutes of Ontario*. 1960. C. 105, s. 2 (4).

<sup>40</sup> Guardianship Act. *Revised Statutes of Nova Scotia*. 1967. C. 121, s. 4. New Brunswick and Newfoundland do not appear to have any statutory provisions dealing with this matter.

## (ii) Divorce

118. The introduction of new grounds for divorce is a reflection of present-day Canadian life and attitudes. While the average couple of five or six generations ago could expect no more than 17 years of married life together, the increase in life expectancy enjoyed today means that the average marriage may last for about 40 years. The longer span may be one reason among others for marriage breakdowns, divorce and desertion. Generally more liberal attitudes towards marriage as a fallible institution rather than an immutable state must be counted as well.

119. Women are affected by these social facts and are required to adjust to them. Marriage can no longer be regarded as a source of financial security which they can hope to rely upon for the rest of their lives. Despite maintenance or property settlements upon separation or divorce, women will still often need to contribute to their own financial security; in many instances, and not only in cases of desertion, they may have to be self-supporting.

120. In 1968 the Divorce Act broadened the grounds for divorce. From the partial statistics now available, it would appear that Canadians are taking advantage of its more liberal provisions. During the first year of operation of the new Act, a total of 38,116 divorce petitions were filed (according to preliminary and partial information collected by the Central Divorce Registry of the Department of Justice). In 1968, 10,750 final decrees were granted (but only 459 of them under the new law); during the first six months of 1969, 10,130 final decrees were granted (8,823 of them under the new law). The number of divorces granted in 1967 was 11,165. The probable average number of divorce decrees per year in the future cannot therefore be determined because in 1968 the courts were attempting to dispose of the many actions taken under the old laws before proceeding to cases commenced under the new Act. The increase in the number of divorce petitions after the law came into effect does not necessarily mean that there is more marital disharmony than before; it may rather indicate that a vast number of divorce actions now before the courts represent a backlog of cases where marriage breakdown occurred some years ago.

121. The Divorce Act has added to the existing grounds (adultery, sodomy, bestiality and rape) the new grounds of homosexuality, physical and mental cruelty, and marriage-breakdown as evidenced by imprisonment, drug addiction, alcoholism, a three-year separation, non-consummation of the marriage or desertion. Statistics published since the new law came into force indicate that the single ground for divorce most often cited is that form

of marriage breakdown evidenced by a three-year separation (15,555 cases); adultery is also frequently used as a single ground (8,275 cases). Multiple grounds often cited are physical or mental cruelty combined with adultery or addiction to alcohol.

122. Regarding delays in obtaining divorce, the new legislation seems to have brought about a positive improvement over the former situation. This question and that of costs present important practical aspects of divorce, especially for women petitioners. For example, to a deserted wife who has waited three years for her divorce, lengthy court proceedings could involve additional hardship. In all Common Law provinces (except Newfoundland) the normal length of time for divorce proceedings under the old law was between eight to 10 months. The average delay now is less than three months up to the issuance of the decree *nisi* if uncontested, and about six months if the case is contested, to which delay, however, must be added another three months before final judgment. In the case of persons domiciled in Quebec and Newfoundland, for whom a parliamentary divorce used to take almost two years, the difference is most significant.

123. Costs have also been reduced as a result of the new federal law. This is again particularly important for citizens of Quebec and Newfoundland who prior to 1968 would have had to pay between \$1,500 and \$2,000 for a divorce, a sum which was too expensive for many people. A divorce now costs between \$500 and \$800 which includes the court disbursements and lawyer's fees.

124. The usual legal fees charged by lawyers undertaking divorce proceedings are still too high for most women, and women are usually the petitioners. Many women have no income of their own, and the majority of separated and deserted wives who work have low-paying jobs. Many earn less than \$2,000 a year.<sup>41</sup> If the woman depends on welfare payments, it is impossible for her to pay the costs of a divorce. Legal aid may eventually provide some relief, but at the present time it offers little help in defraying the cost of divorce proceedings in those provinces which have legal aid. In Ontario, for example, where the government's legal aid plan is of recent origin (1966), the cost of divorce proceedings is admissible, if the applicant qualifies. According to a Report handed down in 1969 by the Law Society of Upper Canada, five times more women than men apply for legal aid in Ontario. About 75 per cent of the women applicants are deserted wives seeking a divorce.

<sup>41</sup> According to the 1961 Census statistics, Canadian women in the labour force had a median employment income of \$1,972 a year. Podoluk, Jenny R. *Incomes of Canadians*. 1961 Census Monograph, Ottawa, Queen's Printer, 1968, p. 52.



125. Legal aid in Quebec is provided on a voluntary basis by all members of the Bar of the Province of Quebec, except for the section of the Bar of Quebec Region and Montreal, where a Legal Aid Bureau is in operation. In the Quebec Region, legal assistance is provided for divorce and judicial separation, while the Montreal region offers assistance for separation and for those sued in divorce only.

126. Such limitations in extending legal aid amount to denying the possibility of divorce to many petitioners who are without sufficient money to pay a lawyer. Anyone who qualifies for assistance should be able to obtain legal aid in order to petition for divorce as well as other matters, and without having to establish that an emergency situation exists.<sup>42</sup>

127. Regardless of legal aid plans, other ways of reducing the costs involved for all divorce petitioners should be found. For example, the fact that the Divorce Act gives jurisdiction only to higher courts has been criticized because of the higher costs thereby involved; a further inconvenience is created for the citizen living in a remote community who will have to travel to a large city, thus increasing his expenses and those of the witnesses. As an answer to this problem, the Special Joint Committee of the Senate and the House of Commons on Divorce<sup>43</sup> recommended that divorce jurisdiction be transferred to County Courts because judges would be more readily accessible, the atmosphere more informal and the proceedings less expensive. This matter should be studied further and the divorce legislation reviewed on this point, giving consideration to transferring jurisdiction to Family Courts as an alternative to County Courts, with a possible sharing of the costs by the federal and provincial governments.

128. If such a jurisdiction were conferred, the rising rate of divorce petitions might result in a very heavy burden on the provincial Family Courts requiring additional judges and imposing additional costs on the provincial governments. We therefore hope that federal-provincial agreement could be reached on the conferring of this jurisdiction and on covering any additional costs it might entail.

### *Other Aspects of the Divorce Act*

129. Some of the more technical legal aspects of the Divorce Act can have important practical consequences for the status of Canadian women. In this

<sup>42</sup> This approach is used by the Commission of Inquiry into the Administration of Justice and Penal Matters in Quebec in its recommendations concerning legal aid, which it regards as a fundamental right of a citizen. It used the terms "legal security" rather than legal aid.

<sup>43</sup> The Special Joint Committee of the Senate and House of Commons on Divorce. *Report*. Ottawa, Queen's Printer, June 1967, p. 151.



section, we examine a number of the issues arising under certain provisions of the Act, after reviewing briefly both the old and the new legal concepts of divorce.

130. Before the 1968 reform, Canadian divorce laws were based exclusively on the doctrine of matrimonial offence. This meant that a person could only obtain a divorce by proving that his or her partner was guilty of a specified offence or violation of marital duties. Adultery, rape, sodomy and cruelty were the grounds available. The fault concept also implied the use of an adversary procedure, based on the twin premises of guilt and innocence. Under this theory, only the innocent party could be granted relief.

131. The fault concept has been progressively discarded as artificial and unrealistic. In many cases a marriage may have irretrievably broken down without any guilt, as defined above, on either side. Why should the law only authorize the dissolution of a marriage where its failure was attributable to the fault of one of the partners? The reform of divorce legislation in 1968 thus broke new ground because it was based in part on another concept, that of the failure of the marriage or marriage breakdown. Apart from the traditional concept of fault and in addition to the doctrine of marriage breakdown, it is possible to identify another ground: divorce by mutual consent.

132. The essential characteristic of divorce by mutual consent is that the spouses are entitled to obtain a divorce solely on the basis of a mutual and voluntary agreement to terminate their marriage. Marriage, in this view, is likened to a private contract between the spouses, entered into freely by two responsible individuals for their own benefit. Divorce by mutual consent is in force in some countries. In Canada, it was rejected as incompatible with the other principles governing family law.<sup>44</sup>

133. The doctrine of marriage breakdown, as partially incorporated into the new Divorce Act, adopts a compromise solution between the principle of fault and the doctrine of mutual consent. Where retained as the sole basis for divorce, marriage breakdown normally implies a single comprehensive ground upon which, once there is proof that the marriage has irretrievably broken down, the divorce is granted to either spouse. It is the idea of irretrievable breakdown and the need for proof which distinguish marriage breakdown from mutual consent. The compromise is, in a sense, a balance between the spouses' individual interest, which the legislator acknowledges, and society's interest in family stability which is preserved by the need to prove that there is no possibility of reconciliation. That the Divorce Act

<sup>44</sup> *Ibid.* pp. 99-101.

does indeed reflect this compromise is shown by the acceptance of marriage breakdown as a ground for divorce on condition that one or more of the facts indicated by the Act are established.

134. There is, in particular, the provision in section 4(1)(e) of the Divorce Act to the effect that: “. . . the spouses have been living separate and apart (i) for any reason other than that described in subparagraph (ii), for a period of not less than three years, or (ii) by reason of the petitioner's desertion of the respondent, for a period of not less than five years.” In both these situations, after the periods of time mentioned, the Act recognizes the breakdown of the marriage. The unilateral decision of a deserting spouse to apply for divorce is delayed for five years. The three year period is presumably designed to provide a reasonable length of time during which the spouses will reassess their relationship and attempt a reconciliation. In fact, experience seems to show that when the spouses have lived apart for one year, there is often little prospect of reconciliation. Once both decide to separate they have, usually, already failed in their reconciliation efforts. It may further be argued that it is in any case doubtful public policy to keep people in such an uncertain situation for so long a period of time: informal relationships and children born of such unions may be some of the consequences of the inability to obtain a divorce within a shorter time after the separation. But even apart from this last possibility, since a prolonged waiting period after the separation may very well cause hardship to both spouses, we believe that the three year period laid down in the “living separate and apart” provision of section 4(1)(e)(i) should be reduced.

135. Therefore, we recommend that the Divorce Act be amended so that the three-year separation period provided in section 4 (1) (e) (i) be reduced to one year.

136. The Divorce Act puts an end to the injustice suffered by married women concerning domicile in matters of divorce. This reform has two aspects: first, the Act appears to create the concept of a Canadian domicile, which applies to both male and female petitioners;<sup>45</sup> secondly, it states that a married woman has a domicile independent of that of her husband by providing that, “For all purposes of establishing the jurisdiction of a court to grant a divorce under this Act, the domicile of a married woman shall be determined as if she were unmarried, and, if she is a minor, as if she had attained her majority”.<sup>46</sup> Before this reform, there was no such concept in law as a domicile in Canada at large; domicile was strictly provincial. A deserted wife domiciled in one province, while her husband lives in another or

<sup>45</sup> Divorce Act. *Statutes of Canada*, 1967-1968. C. 24, s. 5 (1) (a).

<sup>46</sup> *Ibid.* s. 6 (1).

in a foreign country, can now file divorce proceedings in any Canadian province so long as she resides there, regardless of her husband's domicile. The only requirement is that she have completed one year's residence in the province where she is suing for divorce, immediately preceding the presentation of the divorce petition.<sup>47</sup>

137. Matters "ancillary" to divorce, such as custody, maintenance and property rights of the spouses, often represent as great a problem as the divorce itself. They are of particular interest to women because they involve day-to-day problems that have not been entirely solved by the Divorce Act.

138. Section 11 of the Act gives the court power to make an order against the wife as well as the husband for the payment of alimony or maintenance for the care of the spouse or the children of the marriage, or both. This change in the law of maintenance recognizes the wife's equality in the marriage partnership. Her obligation is subject to the same conditions as that of her husband: the party claiming must be in need and unable to provide for himself and the party against whom the claim is made must have sufficient means in his own right.

139. One of the major changes introduced by the new Divorce Act is that the wife's capacity to earn (not necessarily her actual earnings) is a relevant factor at the time of her application for maintenance. This is a departure from past attitudes as it ensures that women will be required to accept their full share of financial responsibility towards themselves, their husbands and children. It may be especially important in those cases in which the wife is the deserting spouse.

140. When the parties to a divorce proceeding have children, the awarding of maintenance will usually follow the order providing for their custody. When children under the age of 16 are committed to the care of their mother, the order for maintenance in favour of the wife will in most cases actually be for the children and not for herself. No specific criteria regarding the maintenance of children are, however, mentioned in the Act. One provision merely directs the Court to refuse the decree "if there are children of the marriage and the granting of the decree would prejudicially affect the making of reasonable arrangements for their maintenance."<sup>48</sup>

141. The children of divorced parents are legally entitled to be maintained by one or both parents up to the age of 16. Beyond that age, they receive maintenance only if illness or disability prevents them from supporting them-

<sup>47</sup> *Ibid.* s. 5 (1) (b).

<sup>48</sup> *Ibid.* s. 9 (1) (e).

selves. Most children at this age are not self-supporting since they have not completed their education. In Canada—as in many countries—it is a well-established practice, even though there is no legal obligation to do so, for many parents to continue to support their children for some years beyond the age of 16 and often until they have completed their education. We believe that separated or divorced parents, who are able to do so, should in the same way support the education of their children. This problem may be particularly acute for women who have children in their custody and not sufficient means to support them alone if maintenance is cut off. We, therefore, support the growing body of opinion in favour of requiring a separated or divorced parent to continue to pay maintenance for the children over the age of 16 as long as they are in school and possibly as long as they are in university. Orders to do so should be left within the discretion of the court, under section 2 (b) (ii) of the Divorce Act. We feel that the judge should not be prevented from making such an order.

142. Therefore, we recommend that the Divorce Act be amended so that the words “educational needs” be added to the list of exceptions where the maintenance of children over the age of 16 years may be ordered as a charge falling to the parents.

## **Part B—Parents and Society**

### **(i) The Children**

#### *Introduction*

143. The status of a woman is altered in various ways through marriage, but a more profound change takes place with the birth of a child. She feels the pressure of new demands which will extend well into the future. A young child requires almost constant supervision. Throughout the various stages of infancy and the restless inquisitive pre-school years, an adult must be in charge. Through the middle years and the teens, loving care and guidance are needed. The necessity of the job is not in question, it is whether or not the mother should be charged with the sole responsibility. Today's society does attach primary responsibility to the mother: when a child is sick it is the mother, even though she may be working, who is expected to take time off to provide care.

144. The father may share the day-to-day care and responsibility of children, but if either parent is a full-time worker the time available for



child care is restricted. Parents require supplementary help, and society may legitimately be called upon to contribute to community services for its younger generation. The equality of women means little without such a programme, which should include a number of different services, among them day-care centres.<sup>49</sup>

145. We have looked in detail at the services which appear to be most urgently needed. In general, they encompass household help by domestic workers or visiting homemakers as well as day-care centres for full-time, and short-term or emergency care. Such community services received very high priority in submissions to the Commission. The request came from every part of Canada, from the Yukon to Newfoundland, and from small as well as large communities. There is a nation-wide demand for child-care services from parents, teachers, social workers and organizations representing a cross-section of the people.

146. It is possible that supplementary care benefits not only the parents but the child as well. A great deal of research has been undertaken on this subject during the past 40 years. Controversial conclusions have been drawn, but it is generally recognized that child development requires a stable relationship with an adult during the first three years: there are observable differences in mental and physical growth between children who receive the stimulus and satisfaction of warm personal attention and those who do not. But psychologists do not necessarily insist that the adult in charge be the natural mother. A mother substitute can fill the role. Perhaps more significant is the further conclusion that additional sympathetic care from several adults may be more beneficial to the child than exclusive attachment to one.

147. In fact, psychologists point out that the over-protection and possessiveness which may result from a mother's undivided attention may be harmful. It is worth remembering that earlier generations usually had wider family relationships. The extended family often included grandparents, aunts and uncles all under the same roof. Sole reliance on the mother is a more recent development.

148. For the sake of both mother and child, it should be recognized that all women who give birth to children are not necessarily good mothers. It is a fact that many women operate much more successfully in other fields

<sup>49</sup> "To create day nurseries costs a great deal, but these measures only re-establish an equality of opportunity which had been destroyed. . . for women by their functions as mother and house wife." Nicole Friderich. "Access to Education at all Levels". *Annals of the American Academy of Political and Social Science*. Vol. 375, Philadelphia, January 1968, pp. 133-144.

of work than in the nursery. We think that they should be able to do so without apology. We were also impressed by the number of working women who feel they are better mothers because the stimulus derived from their outside interests carries over into their relationship with their children. One brief<sup>50</sup> said: "We must realize that it is not necessarily true at all that all children are better off at home with their mothers; in fact, it has often seemed to me that many children would be happier and healthier (mentally) if they could be in the company of other children their own age for some part of the day. A mother who is unhappy because she would prefer to be out in the business world is probably not going to be the best mother."

### *Public Responsibility*

149. There has been what we believe to be misguided opposition to the suggestion that the state play a part in the care of the child. We suggest that this position must be greatly modified. It seems clear, moreover, that it has never stood on very firm ground: that it lost validity with the establishment of the first public school. The need for wider community assistance in the care and education of even very young children emerges from our findings as an essential factor in improving the position of Canadian women.

150. We also point out that governments justify the spending of increasingly large sums at the levels of higher education as a means of developing human resources. In the light of what we know about the importance of the pre-school years, a well-planned child-care programme would seem to be just as important. Research conducted by Dr. Benjamin Bloom<sup>51</sup> led him to conclude that 50 per cent of the individual's intellectual development takes place between birth and the fourth year, or before the child has any contact with the school system. The 80 per cent mark is reached at the end of the second grade.

151. Our aim is neither to require women to enter the labour market, nor to compel them to stay home with their children. Many women want to undertake the full-time care of their children; others prefer outside activities or paid work. They should receive the help they need to make a choice possible. At present, women do not have the opportunity to choose

<sup>50</sup> Brief No. 279.

<sup>51</sup> Bloom, Benjamin S. *Stability and Change in Human Characteristics*. New York. John Wiley and Sons, 1964.

or the choice may carry unfair penalties. A woman who elects to stay with her children is sometimes forced to subsist on minimal welfare payments. The woman who goes out to work has to organize substitute care but may not be able to make adequate arrangements. One submission to us pointed out: "The lack of adequate day care services and foster home care for the children of working mothers, causes worry and frustration which impair efficiency."<sup>52</sup> Too often the intermediate choices—part-time work, extended leave-of-absence, suitable working hours—are not available. A sizeable minority of working mothers work part-time, and many work evening shifts and week-ends,<sup>53</sup> but there are many occupations which cannot be adapted to such schedules.

152. The time is past when society can refuse to provide community child services in the hope of dissuading mothers from leaving their children and going to work. We are faced with a situation that demands immediate action. Married women have been entering paid employment in steadily rising numbers. A child-care survey made by the Dominion Bureau of Statistics in April 1967 for the Women's Bureau, Department of Labour, showed that one in five mothers with children under 14, or 540,000 mothers, are working.<sup>54</sup> Twenty-four per cent of the Canadian female labour force are mothers. Among them, they have more than a million children of school age and pre-school age; about 18 per cent of all Canadian children. It was learned that 167,000 of these children of working mothers did not require arrangements for their care as their mothers either were able to work only while their children were in school, or were able to have their children with them by the nature of their employment as boarding or lodging housekeepers, babysitters or foster mothers, usually within their own homes. This left 908,000 children who required care arrangements. Median weekly earnings for working mothers are \$50 a week. The common assumption is that child care should be charged against the mother's earnings, rather than as an item in the family budget, and this may be related to the unsatisfactory provision she frequently is forced to make for her children. The present arrangements of working mothers for child care are shown in the following table:

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<sup>52</sup> Brief No. 156.

<sup>53</sup> Thirty-six per cent of all working mothers work less than 35 hours a week. Thirty-four per cent of the total of working mothers work on weekends. Canada Department of Labour, The Women's Bureau. *Working Mothers and their Child Care Arrangements*. Ottawa, Queen's Printer, 1970, p. 7.

<sup>54</sup> *Ibid.* p. 5.

Table 1. Percentage Distribution of Children of Working Mothers by Detailed Care-arrangements, for Age Classes of the Children

Care arrangements	All ages	Under 3 years	3 to 5 years	6 to 13 years
	%	%	%	%
Total children: (Number in thousands).....	(908)	(147)	(210)	(551)
Per cent.....	100	100	100	100
Cared for in own home:				
Total.....	64	54	57	69
By father.....	22	13	19	25
By other relative under 16.....	3	1	2	5
By other relative 16 and over.....	17	15	14	19
By other household member.....	3	2	2	3
By other non-member of household.....	10	15	11	8
More than one arrangement.....	9	8	8	9
Cared for outside own home:				
Total.....	15	28	25	8
By relative.....	4	10	7	2
By non-relative.....	9	17	13	5
Day nursery or nursery school.....	1	1	3	—
Other arrangement.....	1	—	—	1
More than one arrangement.....	—	—	1	—
Cared for in and outside own home.....	6	7	11	4
Cared for by mother at work*.....	5	5	4	5
No regular arrangement.....	10	5	3	14

SOURCE: Canada Department of Labour, Women's Bureau. *Working mothers, and their Child Care Arrangements*. Ottawa, Queen's Printer, 1970, Table 23, p. 41.

\*At occupations other than those of boarding or lodging housekeepers, baby-sitters or foster mothers.

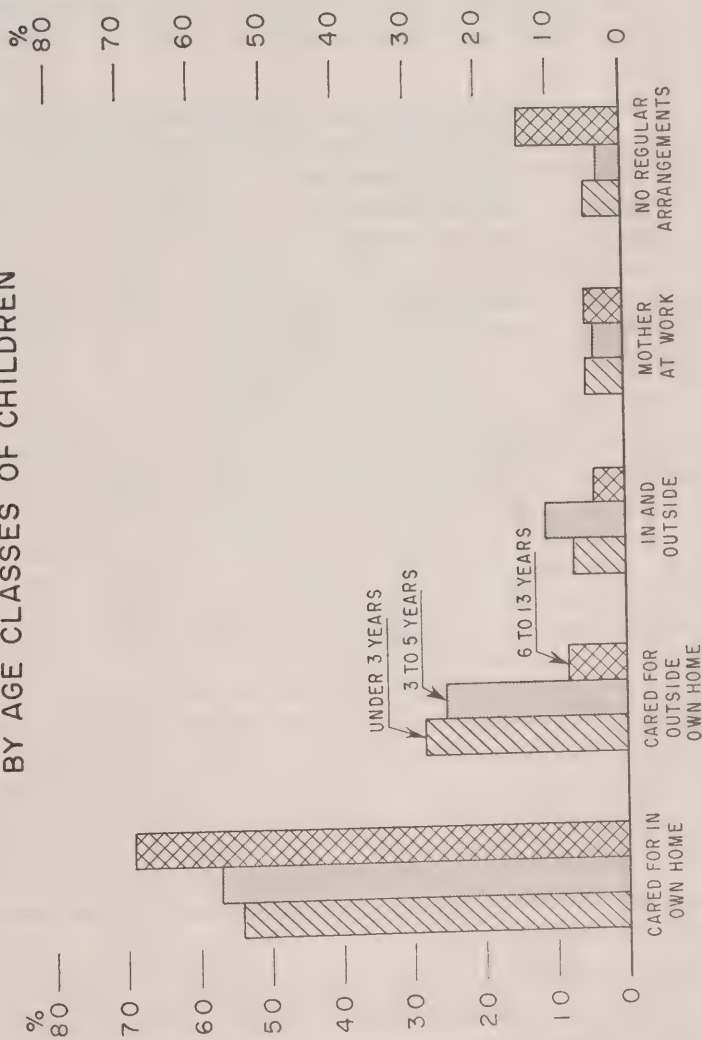
### Day-Care Centres

153. Women who are not in paid employment may also urgently need day-care services. Mothers at home are not immune to illness or to becoming overwhelmed by a full-time job without holidays. The mother of a retarded or otherwise handicapped child, especially if she has other children, needs some relief if she is not to be worked beyond endurance. If the mother has suffered mental illness—and this is an increasing problem in our society—she will likely under new methods of treatment be returned home during recuperation, and supplementary help over such periods is desperately needed.



CHART - I

PERCENTAGE DISTRIBUTION OF CHILDREN OF WORKING MOTHERS  
BY CATEGORIES OF CARE-ARRANGEMENTS,  
BY AGE CLASSES OF CHILDREN



Source: Table 1

154. Existing day-care facilities can serve only a small fraction of these mothers. Many centres have long waiting lists. Other centres are of the wrong kind; they are located too far from residential neighbourhoods; they enforce a "needs test" which discourages mothers from applying; they cost too much; or they are not sufficiently advertised. For these reasons some day-care centres, according to the Canadian Welfare Council, are not being used to capacity.

155. If a mother has to work due to economic necessity, she has to have day-care for her children. If day-care centres are not available, these children are entrusted to relatives or strangers, and for some the arrangements are completely inadequate and even harmful. We are told: "... in communities from coast to coast an incalculable number of mothers are leaving infants and young children in casual and often hazardous day-care arrangements in order to go to work or to return to study."<sup>55</sup> The distress of the mother in having to resort to inadequate arrangements leads to her unhappiness as an individual and sometimes to loss of efficiency at work.

156. Repeated requests have been made in representations to this Commission for the establishment of day-care centres. Day-care centres are taken to mean all establishments where children under school age are cared for as a group for part of a day. Such establishments range from the nursery school to a private home where a housewife looks after her neighbours' children. There are widely varying conditions in regard to type and quality of care, age of children, the number of hours a day and of days a week, admission requirements or priorities, fees, and degree of government control.

157. Day-care in a private home has proved to be a practical supplement to the more formal centre. Such arrangements have been used successfully in several cities. The advantages are more individual care for very young children or for those needing special attention. They may be nearer to the child's home or to the route the parent takes in going to work. Costs are considerably less than those incurred at a day-care centre. It is important to stress that the homes should operate in conjunction with an established day-care service which supervises their operations, sets their fees and places the children with them.

158. It would be inadvisable, however, to rely too heavily on care in a private home. It is becoming more difficult to find suitable homes, as women turn in greater numbers to outside work, and there is a high rate of interruptions as families move away or for other reasons must discontinue giving care. The use of private homes in this way also points up the possible

<sup>55</sup> Brief No. 333.

danger of a common practice in most parts of Canada: permitting child-care arrangements in unlicensed and unsupervised households where parents make contact through classified advertisements in the daily newspaper. Where day-care homes are used, they should be part of an integrated child-care programme.

### *Other Countries*

159. There are many precedents for the establishment of a broad programme of day-care centres. For example, England now has a variety of programmes for pre-school care and a three-year training programme for pre-school teachers: the 1967 Plowden Report on education has emphasized the need for expansion. Sweden's pre-school centres are exceptionally well-equipped. They are under the control of the Ministry for Health and Social Affairs, while standards for the training of teachers are set by the Ministry of Education and Ecclesiastical Affairs. France has pre-school institutions directly under government control: *crèches*, boarding nurseries, day nurseries, baby-sitting centres and counselling centres are under the Ministry of Social Affairs; nursery schools and kindergartens are under the Ministry of Education. In Denmark, day-care facilities are available to children from birth, in Britain from the age of one month, in Sweden from six months, and in France from early infancy. It is quite evident that Canada is far behind in provision of services for pre-school children.

160. Various proposals have been put before the Commission for day-care centres under private auspices. In addition to commercial establishments, these might include provisions made by businesses, hospitals and universities for the children of their staff and students. There are few examples of this sort in Canada, although they can be found throughout European countries. While we are in favour of these arrangements, they are only a partial solution. It is also important to consider the advantages of a centre in the vicinity of the parents' home, obviating the need to take the child long distances.

161. Private initiative cannot cope with so large a problem. Governments must assume the major responsibility. They alone can plan and direct a well ordered network of services which will avoid duplication of facilities in some areas to the neglect of other communities.

162. Day-care services on the scale we envisage will involve the expenditure of a considerable sum of money. We would prefer an arrangement in which parents would pay directly for the service, with the help of an increased child-care allowance (See the Chapter on taxation) and on the basis

of a sliding scale of fees. Whatever part of the operating cost remains should, we believe, be borne by governments at various levels. We have attempted to arrive at a general estimate of the total operating costs.

163. In many modern countries, facilities are provided for children almost from birth. In Canada, also, we find a sizeable group of infants requiring supplementary care. Sixteen per cent of the children of working mothers are under three years.<sup>56</sup> There are almost no facilities now available for this age group. The day-care centre should make provision for infants and very young children, either in the form of nurseries with an adequate complement of qualified staff personnel, or in the form of well-supervised ancillary homes.

164. During the coming years, there will be in Canada approximately 1,300,000 children under three years of age. Taking into account the fact that only a small proportion of the very young children will likely be placed in day-care centres—roughly estimated perhaps one-tenth of all children under three—the requirement might be approximately 130,000<sup>57</sup> places in the appropriate services. There will also be around 1,300,000 children between three and six years of age. If one-quarter of them attend day-care centres, pre-school classes or nurseries on a full-time basis, some 325,000 places will be required for this age group. Again it must be recalled that the above figures are based on a rough estimate.

165. The annual cost of a day-care network covering these needs (hypothetically 450,000 places), could be estimated at about \$500,000,000. Daily operational costs for a good day-care centre amount to approximately \$4.60 per child.<sup>58</sup> If the attendance covers five days a week excluding holidays, (approximately 250 days a year), the annual cost per child would be slightly less than \$1,200. Parents' contributions would defray much of the cost.

166. In most instances, especially if a programme of increased child allowances is introduced, parents should pay for their use of the day-care centre programme. We believe this system is preferable because it would ensure that clients are drawn from all levels of society, and would lift day-care out of the context of poverty. To make sure that no low-income families are prevented from using the service, a sliding scale of fees should be introduced, related to family needs.

<sup>56</sup> *Op. cit.* Canada Department of Labour, p. 38.

<sup>57</sup> According to the child-care survey of the Women's Bureau, Department of Labour, there were, in 1967, about 140,000 working mothers who had a total of 172,000 children under three years of age. Since a proportion of these mothers used the services of domestic employees, an estimate of 130,000 places required in day-care centres appears realistic.

<sup>58</sup> Clifford, Howard. "Day-Care: an Investment in People." Background paper, Royal Commission on the Status of Women in Canada.



167. Therefore, we recommend that fees for the care of children in day-care centres be fixed on a sliding scale based on the means of the parents.

168. Government, however, should be charged with the responsibility of initiating the programmes, providing consultant and other services, and absorbing that part of the operating costs not met by fees. The three levels of government should continue to contribute on a cost-sharing basis.

169. The sharing of responsibilities by the three levels of government is a complex problem and presents many difficulties. While municipal, provincial and federal authorities are all concerned, the prime responsibility for initiating and supervising the programme lies at the provincial level. There is no doubt that such projects fall within provincial jurisdiction. Provincial governments have a direct line to the municipalities where public pressure for the opening of a centre is applied, but where financial resources are not sufficient. We believe that in addition to assuming the initiative in planning and administration, the provincial government should relieve municipalities of the larger part of the cost.

170. Therefore, we recommend that the provinces, where they do not already do so, pay not less than 80 per cent of the provincial-municipal contribution to day-care centres.

171. Because the provision of day-care centres is of major importance to the women of Canada, the Commission believes that the federal government should assume a continuing responsibility. There is considerable precedent for federal assistance in the fields of education and welfare, and grants have been extended for capital as well as operating costs, for example, in the building of vocational high schools<sup>59</sup> and hospitals.<sup>60</sup> At present, federal financial assistance to day-care centres through the Canada Assistance Plan has been ineffectual partly because it is limited to a share of operating costs only. Under the Canada Assistance Plan, the federal government shares with the provinces the cost of subsidies to operate nurseries for the children of needy families. As of January 31, 1969, only Ontario and Alberta had filed claims under the provision and they received \$103,766<sup>61</sup> and \$26,490 respectively in federal aid.

<sup>59</sup> The federal government pays up to 87½ per cent of the costs of building and equipping technical and vocational schools under the Adult Occupational Training Act (1967) Section 21. Provinces receive either the percentage of costs or grants of up to \$800 per person in that province between the ages of 15 and 19 or amounts calculated by combining the two methods according to a formula specified in the Act.

<sup>60</sup> Through the Health Resources Fund, federal money is given toward the construction of large teaching hospitals and medical schools; until March 1970 federal grants of up to \$2,000 a bed were made to the provinces to meet construction costs of urgently needed new general hospitals.

<sup>61</sup> The province of Ontario has proposed considerably higher expenditures in its current budget.

172. Undoubtedly a shortage of money to purchase or build premises is a factor in the failure to meet the need. We have therefore turned to the National Housing Act to make loans available for these purposes. It is hoped that action through the National Housing Act can proceed at once, in the light of immediate needs.

173. Therefore, we recommend that the National Housing Act be amended to (a) permit the making of loans for the construction, purchase and renovation of buildings for day-care centres, and (b) permit the inclusion of space for day-care centres in housing developments, including university buildings, for which loans are made under the Act.

174. The Commission has considered provisions under the National Housing Act and the Canada Assistance Plan, and has come to the conclusion that to incorporate the day-care centre programme in either of these would distort the explicit purpose of these acts.

175. Amendments to the National Housing Act can deal only with the construction of buildings and should be considered as supplementary.

176. We believe the Canada Assistance Plan is inappropriate because it is limited to welfare measures. We contend that a day-care centre programme must be conceived on much broader lines. It must be designed for all families who need it and wish to use it.<sup>62</sup> Nothing short of this kind of programme can give Canadian women the help they need in the vital task of caring for their children.

177. Canada's whole welfare system is now under general review, and it is essential that plans for day-care arrangements should be emphasized. Because day-care centres are an urgent need they should not be delayed while negotiations on a broader scale are completed with the provinces.

178. For the federal government to fail to proceed with a specific child-care programme, removed from welfare legislation of a more general nature, would be to deny the claim which Canadian women have made for concrete assistance in the burden of responsibility which they have been compelled to carry.

179. A national Day-Care Act would provide the framework and the incentive for such a programme. Initiative at the provincial government level could then proceed from clearly defined legislation. Within the community,

<sup>62</sup> A 1968 study by Dr. Florence A. Ruderman, showed that children placed in day-care included as many from middle and upper income levels as from lower income levels. When questioned about using such centres if available, 52 per cent of a sample of working mothers in the lower bracket said yes; so did 29 per cent in the highest income level. The positive features attributed to group care were dependability, mothers' convenience and children's enjoyment and benefit from the programme. Ruderman, Florence A. *Child Care and Working Mothers*. New York, Child Welfare League of America, Inc., 1968.

individuals and groups could more readily exercise their right to demand that provincial and municipal governments take advantage of the new Act. The provinces should also pass separate legislation as Ontario has now done.<sup>63</sup>

180. The Day-Care Act should, as an added incentive, offer substantial assistance with capital costs for an initial seven-year period.

181. Therefore, we recommend that the federal government immediately **take steps to enter into agreement with the provinces leading to the adoption of a national Day-Care Act under which federal funds would be made available on a cost-sharing basis for the building and running of day-care centres meeting specified minimum standards, the federal government to (a) pay half the operating costs; (b) during an initial seven-year period, pay 70 per cent of capital costs; and (c) make similar arrangements for the Yukon and the Northwest Territories.**

182. Children of school age constitute the largest group of children with working mothers. (As shown in Table 1, there are 551,000 children from six to 13 years in a total of 908,000 requiring care arrangements). In many respects, their needs are as urgent as those of the pre-school child and, as the Table shows, a larger proportion of them are left with no regular arrangement for their care. A number of representations were made to us concerning the needs of "latch-key" children whose school hours fill only part of the working parents' day. Kindergarten may be only a half-day session. Later grades not only have a noon break (where in some instances children are not allowed to remain at the school), but begin later and end earlier than the standard working day. There are also school holidays to be considered, and occasional special days when teachers are at conventions and the school is closed.

183. The Commission believes that supplementary programmes should be provided for children of school age, and that such programmes should be included by the provincial governments in their over-all administration of child-care facilities.

184. The extent to which new premises are acquired, in lieu of extended use of school premises, may be a decision best left to local requirements. Undoubtedly, however, links with the educational system should be maintained. Such links should extend into the pre-school day-care centre programme. There has been a suggestion made for the incorporation of all child-care facilities into the educational system, and this may well be the trend of future arrangements.

<sup>63</sup> The Day Nurseries Act 1966, Province of Ontario.



### *Standards*

185. Whether or not the educational function of the centre is stressed, certain standards of quality obviously must be maintained. All provinces,<sup>64</sup> with the exception of Quebec, New Brunswick and Prince Edward Island, have published regulations and standards governing the issuance of licences to run day nurseries. Only two provinces, however, Alberta and Ontario, employ inspectors to ensure that the standards are maintained. A few community colleges have started courses in pre-school education.

186. However, it is clear that a wide range of standards from good to very poor now prevails. In many areas there is no supervision of centres run in private homes. We have had our attention drawn to cases where such homes are dangerous to the physical and mental health of the children. A mother may be forced to enter into such arrangements without adequate investigation: she lacks the alternative of a supervised, well-run day-care centre. In the light of the importance of the pre-school years in the development of the child, it is imperative to establish and enforce high standards relating to physical facilities, daily programmes, and staff.

187. Therefore, we recommend that each province and territory establish a **Child-Care Board** to be responsible for the establishment and supervision of day-care centres and other child-care programmes, which will (a) plan a network of centres (as to location, type, etc.), (b) set and enforce standards and regulations, (c) provide information and consultants, (d) promote the establishment of new day-care services, and (e) approve plans for future day-care services.

188. Further, we recommend that the **Department of National Health and Welfare** offer an extension of advisory services to the provinces and territories through the establishment of a unit for consultation on child-care services.

189. If children are to be cared for inside the home, supplementary help of various kinds is possible. The most common arrangement now is for another member of the family, the father or an older child, to take over when the mother is ill or absent, or busy with other duties. The difficulty is that school and jobs take these members of the family out of the home at the hours when they are most needed. Frequently when both husband and wife hold jobs they choose shift work so that one remains at home with the children. The disadvantage of this arrangement, of course, is a disrupted household where meals and recreation are seldom enjoyed together.

<sup>64</sup> Only five provinces—British Columbia, Alberta, Saskatchewan, Ontario and Nova Scotia—have special laws covering day nurseries. Two others—Manitoba and Newfoundland—apply legislation originally meant for other establishments.



190. There is also some prejudice against the sharing by fathers in child care and household tasks. Some men still take the position that they will not do domestic work or look after children, and some women perpetuate this prejudice by keeping household arrangements and care of the children as their special domain.

191. Sweden in its report to the United Nations<sup>65</sup> on the status of women makes sweeping suggestions to change these customs, under the term "male emancipation". The premise is that men also should be free to choose. The Swedish statement advocated: "the right of a husband to remain at home while the children are small where it is found more appropriate for the mother to devote herself to gainful employment."

192. Baby-sitting services are available in many communities through established agencies, and private arrangements are commonly made with teenagers or elderly people, at an hourly rate. In one city, for example, the agency rates are about \$1.10 an hour,<sup>66</sup> with a daily rate of \$11.00 or \$12.00 varying with the number of children to be cared for. The baby-sitter usually limits her duties to supervision of the child which may involve providing meals for him, but she does no other household work. Some parents employ sitters on this basis for evenings of recreation or for longer holiday periods. The cost, however, is prohibitive for families in the lower-income brackets.

193. Full-time housekeepers or household workers are increasingly rare in Canadian homes. In the Chapter on the economy we have urged an improvement in working conditions and salaries for such workers. We are aware that some families may then find it even more costly than at present to employ domestic helpers. However, it may still be possible to hire a housekeeper in a home with several children at less cost than maintaining the children in a day-care centre. Many families believe this is a preferable arrangement, and our concern is that salaries and working conditions should be such that competent women will be attracted to this kind of work.

194. Associated with the scarcity of housekeepers are numerous complaints about inadequate service. An example from one submission is as follows: "Very often, many of us have had to settle for housekeepers who were not adequate mother substitutes: young girls who spent the afternoon watching TV, reading, or who were not attentive to the children in general; or women who had no idea of how to care for small children, of how to give first aid care in case of accidents, etc. . . ."<sup>67</sup> Recommendations for the

<sup>65</sup> The Swedish Institute. *Sweden Today*. The Status of Women in Sweden, Report to the United Nations. Stockholm, 1968.

<sup>66</sup> Sitters Unlimited, Ottawa.

<sup>67</sup> Brief No. 349.

training of household workers are made in the Chapter on education. These measures were strongly advocated by many of the women appearing before the Commission.

195. Present programmes to provide visiting homemakers on an emergency or short-term basis should be greatly expanded. Canada in January 1969 had only 121 homemaker service agencies with a total of 1,915 women employed as homemakers.<sup>68</sup> This is a ratio of nine per 100,000 of the population.<sup>69</sup> Most of these services are in cities of over 100,000; communities under 30,000 are very badly served. British Columbia has a wider number of homemaker agencies in her smaller communities than are found in other provinces, but nowhere in Canada does the supply meet the need and in the Atlantic Provinces the programme has barely begun.<sup>70</sup>

196. Homemaker services frequently operate in conjunction with the Red Cross, the Victorian Order of Nurses, Home Care health schemes, and Family Service agencies. Their costs are borne about 48 per cent by government,<sup>71</sup> about 27 per cent by clients, about 17 per cent through United Appeals and Community Chests, and about eight per cent through other welfare sources. The top fees charged (fees are on a sliding scale in most cases, according to ability to pay) range from \$1.56 an hour in some localities to \$2.30 an hour in others. A daily charge may range from \$6.00 to \$18.00. In most places, a homemaker's pay is close to the minimum wage while in others it is considerably higher. For example, the top wage received by homemakers in Ottawa (May 1970) was \$1.95 an hour, and the agency also provides uniforms, holidays with pay, workmen's compensation, and long-term disability insurance.

197. Homemaker services are extended strictly on the basis of need, regardless of income. Priority is given to households with children where the mother is ill or has died, or in other emergencies. Care is also given under this scheme to aged people living alone, and in these cases the length of service may be extended indefinitely, on a basis of several hours a day or week. In most cases, however, the homemaker stays with a household over a period of from two days to three weeks. The average time per case<sup>72</sup> is 13.6 days.

<sup>68</sup> Canadian Welfare Council, provisional figures prepared for a report (to be published) on the homemaker services in Canada in 1969.

<sup>69</sup> Sweden has approximately 200 homemakers per 100,000 of her population.

<sup>70</sup> Nova Scotia has four recently established agencies; New Brunswick one; Prince Edward Island one; Newfoundland none.

<sup>71</sup> *Loc. cit.* Canadian Welfare Council.

<sup>72</sup> *Loc. cit.*

198. Homemakers in most areas are recruited largely from among middle-aged women who have not previously worked outside their own households. Some agencies, as they begin to offer higher rates of pay and special training and certification, are experiencing a larger influx of younger women. Recruiting of men has also been considered. Usually educational requirements are waived although increasingly homemakers are being offered the advantage of training courses. Efforts are still needed to increase the prestige of the homemaker's role in line with her duties as household manager and mother substitute.

199. The need for more visiting homemakers in Canada has been clearly shown. They solve a family's most urgent problems in times of crisis. Their value in keeping a home intact through such emergencies is a tremendous asset to the community and should be recognized as such. Such a supplementary resource in case of illness or accident makes more practicable the use of day-care centres as a regular service to families. A greater supply of homemakers and trained household workers, and extended day-care services, can do much to meet the general requirements of child care by offering strong support to the basic responsibility of the parents.

## **(ii) Responsible Parenthood**

200. The scientific control of the human reproductive function is one of the most important developments of this century. Conception can be prevented temporarily by a variety of birth control methods or permanently by sterilization; it can be induced by artificial insemination or in ovulation; a precarious pregnancy can be maintained by drugs or techniques preventing spontaneous miscarriage; pregnancy can be safely terminated; a precise date for delivery can be planned. Further research is opening prospects of even more exact control.

201. Control of human reproduction has far-reaching consequences. It enables parents to plan the size of their families and the spacing of their children. It helps individuals and couples to reach a better sexual adjustment. Like many forms of scientific progress, it reduces the tyranny of natural forces over human beings; it makes possible more intelligent control of events; it increases personal freedom. All this requires readjustments in the law, and reshaping of social customs and attitudes. Women, as the child-bearers, will be most affected by this new freedom and responsibility.

202. In one sense, birth control is a social problem in Canada. Families with higher education and in higher income brackets have had easy access to birth control methods; the poor and less well-educated have not. The

size of families has changed considerably in this century. In 1961 a married woman of 45 in Canada had had on the average about three live births, compared to six for a woman of the same age in 1900.

203. Today women want to take advantage of the increasing control over birth. They want sexual fulfilment as well as the right to plan a family. But no totally reliable method of contraception has yet been developed, and some methods still widely used are comparatively ineffective. The following figures indicate the relative degrees of effectiveness of the nine major methods in use today, by giving the number of likely pregnancies among 100 women using one of the methods for a year. Although measurement of the effectiveness of different birth control techniques varies according to the method of analysis, two techniques are usually considered most effective: the contraceptive pill and sterilization.

Table 2. Nine Major Methods of Birth Control in Order of Relative Effectiveness

Method	No. of likely pregnancies per 100 women using this method for one year
Sterilization.....	0.003
Pill.....	0.3
Intra-uterine devices.....	5.
Diaphragm or cervical cap (with jelly).....	12.
Condom.....	14.
Withdrawal.....	18.
Chemical barriers.....	20.
Rhythm.....	24.
Douche.....	31.

SOURCE: Ernest Havemann and The Editors of Time-Life Books. *Birth Control*. New York, Time Incorporated, 1967, p. 59.

204. When properly used, the pill provides almost one hundred per cent protection, but it is not medically recommended for all women. The possibly dangerous side effects of some contraceptive pills for some women are being studied. Health investigation committees in several countries have come to different conclusions. Since the first contraceptive pill was licensed for use in 1960, a large variety of pills, some with a lower percentage of hormones, have come on the market and research to improve their efficiency is continuing. Also being tested are other contraceptives, including kinds to be taken once a month or every six months, to be taken the day after sexual intercourse, or to be taken by men. Research may soon render today's contraceptives outdated.



205. Further research to develop a safe and reliable contraceptive is highly important, but more than research is needed. The safest and most sophisticated techniques are useless to women who do not know they exist or are afraid to use them. Accurate information about birth control must be more widely circulated, and better understanding and acceptance must be promoted by public debate. The acceptance of birth control has been hindered by general ignorance, by lack of specific information, by some religious beliefs and by the law. The Roman Catholic Church, for instance, has not lifted its ban on the use of contraceptives, and church policy was re-stated in the Encyclical *Humanae Vitae* (1968). This policy may inhibit the use of family planning programmes by some Roman Catholic agencies.

206. The legal ban on the sale and advertisement of contraceptives and on dissemination of information ended in Canada on August 18, 1969, when the Act amending section 150 (2) (c) of the Criminal Code became law.<sup>73</sup> Since its introduction in 1892, few attempts were made to enforce the ban. Birth control drugs and devices have been available at pharmacies all over Canada for years and some doctors have been prescribing the pill for control of procreation since it was first marketed in 1961. One birth control device (condom) has always been sold openly as a prophylactic against venereal disease.

207. Under the new legislation, the advertisement of contraceptives is controlled by the Food and Drug Directorate. The first regulation<sup>74</sup> banned all advertisements for commercial purposes. Representations from various concerned people brought about the adoption of new regulations authorizing the commercial advertisement in the mass media of contraceptives except for the pill and the intra-uterine devices (I.U.D.).<sup>75</sup>

208. This regulation excludes the advertisement of what are at present two of the most effective methods of birth control. Although they are available only on prescription because they require medical supervision, we believe women should not be prevented from knowing about them. In fact, the diaphragm, which may be advertised, also needs medical supervision to be effective since it must be fitted properly by a physician. Equally important, there is at present no requirement that advertising carry information about the limited effectiveness of the other methods of birth control. Women should be informed of the limitations of each birth control method in advertisements on the label.

<sup>73</sup> An Act to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code. *Statutes of Canada*. 1968-69, C. 41.

<sup>74</sup> *The Canada Gazette*. Part II, Statutory Orders and Regulations 1969, SOR/69-417, Vol. 103, no. 16, Ottawa, Queen's Printer, August 27, 1969, p. 1169.

<sup>75</sup> *The Canada Gazette*. Part II, Statutory Orders and Regulations 1970, SOR/70-29, Vol. 104, no. 2, January 28, 1970, p. 80.

209. For 40 years before the law was amended, a few people dared to operate birth control centres in spite of the risk of being prosecuted. Since the ban was lifted a number of centres are being planned, but there are still relatively few in Canada. In 1969 it was estimated that there were approximately 38 centres, including seven Family Planning clinics (under the Family Planning Federation of Canada), eight public health clinics and 23 hospital clinics. The need for more facilities is obvious; in 1968 there were 4,378,100 women of childbearing age (15 to 45 years) in Canada.<sup>76</sup> Yet, according to their own estimate, one of the Family Planning clinics in Toronto could process only 1,250 calls in one year.<sup>77</sup>

210. Case histories<sup>78</sup> convinced the Commission of the human distress caused by the lack of birth control information and medical advice in regard to family planning.

211. The Commission strongly believes that information and medical assistance on contraceptives should be made available to Canadian women in all walks of life. The same services should be available for men. The right to these services has been recognized by the United Nations in the 1968 Proclamation of Teheran which declared family planning to be a basic human right.

212. The use of contraceptives cannot be isolated from the complete sexual life and the quality of relations with the other sex. These questions are critically important for young people, particularly young girls, because of the effect that information, or lack of it, may have on their future. Since many teenagers do have sexual intercourse, they also need the means to avoid conception and should therefore receive appropriate advice and have access to the most effective birth control information and advice. Social workers report that some young unmarried girls involved in sexual relationships neglect to use contraceptives through sheer ignorance. These are the girls who subsequently become child mothers.

213. The Commission believes that young girls should be informed and advised about birth control and given access to contraceptives. It is important that adequate knowledge of the reproductive function of the body and of human sexual behaviour be taught at primary and secondary school. The Commission endorsed the principle of sex education in schools in the Chapter dealing with education.

<sup>76</sup> Dominion Bureau of Statistics. *Vital Statistics Preliminary Annual Report*. Cat. No. 84-201. Ottawa, Queen's Printer, 1968, Table 1, p. 5.

<sup>77</sup> One clinic in Vancouver, B.C. was reported to receive an average of 45 patients each week (the clinic was open only three nights a week). The two clinics in that city received a total of 500 patients in 1967. The total case-load of the two clinics is 7,000. In Hamilton, Ont., the oldest family planning clinic in Canada has served 6,418 patients in its 36 years of operation.

<sup>78</sup> Brief No. 5.

214. The Commission recognizes the excellent work initiated by the Family Planning Federation of Canada and endorses its request for a much wider family planning programme in Canada. The principal responsibility for the dissemination of information on birth control methods rests with the health and welfare authorities. The main question is how to reach women. According to recent estimates, only about 23 of the 948 general hospitals in Canada had family planning clinics. Clearly more of these clinics should be organized and widely publicized. As a policy, federal and provincial governments should print and distribute birth control information to hospitals, teachers, doctors, public health nurses, social workers and to the public.

215. Imaginative programmes can be developed. Hospitals now give maternity patients information on the care and upbringing of their babies. At this time they could also give them information about family planning, methods of birth control and services available in the community. As an example of initiative, we note that the Health Department of London, Ontario, recently included a circular on birth control with the hydro bills sent to London households. The circular listed family planning clinics and other family health services provided by the department and said, in part: "If you wish assistance with spacing your children and planning your next pregnancy, or help if you have been unable to have children, you may ask your district Public Health Nurse, inquire at the Child Health Centre in your district, or telephone the London Health Department at the Family Planning Clinic." This practice could well be adopted by other Departments of Health.

216. Making people aware of the facts does not necessarily mean that they will be able to get the medical assistance and advice they need to put the information into practice. Many women do not have a family doctor; they do not know where to go or even what questions to ask. Every provincial Health Department should organize family planning clinics within the existing provincial public health units, to provide relevant information, medical examination and birth control devices and drugs to anyone who wants them. The clinics should be open not only during the day but also in the evenings and on weekends. Such clinics would need trained personnel; public health nurses and social workers should be trained for this additional function.

217. Therefore, we recommend that birth control information be available to everyone.

218. Further, we recommend that the Department of National Health and Welfare (a) prepare and offer birth control information free of charge to provincial and territorial authorities, associations, organizations and individ-



uals and (b) give financial assistance through National Health grants and National Welfare grants to train health and welfare workers in family planning techniques.

219. Furthermore, we recommend that provincial Departments of Health (a) organize family planning clinics in each public health unit to ensure that everyone has access to information, medical assistance, and birth control devices and drugs as needed, and (b) provide mobile clinics where they are needed particularly in remote areas.

220. The use of sterilization as a birth control method has been limited by the fear of unknown effects, by linking it with the eugenics movement, and by the attitude of medical authorities who consider it dubious practice to sterilize patients for birth control reasons. The only laws dealing with the subject in Canada were adopted in the 1920's by Alberta and British Columbia; they prohibit compulsory eugenic sterilization. There is a great misunderstanding about the effects of sterilization. The operation does not remove any organ, nor does it interfere with sexual desire or performance. It does not create a hormone imbalance. New surgical techniques make the operation much easier for the surgeon and less painful for the patient. The vasectomy is a minor operation performed in less than 20 minutes in the doctor's office.<sup>79</sup> For a woman, sterilization requires hospitalization.

221. No law in Canada expressly prohibits a physician from sterilizing an individual on request for contraceptive purposes only and there is no case law to that effect in Canada. The only two Canadian legal cases on sterilization<sup>80</sup> dealt with the question of the consent of the patient to the operation. However, sterilization is usually carried out for medical reasons only, and doctors do not ordinarily perform the operation simply on request.<sup>81</sup> At stake for the physician is the question of his criminal or civil liability. He might be found

<sup>79</sup> The Ontario Health Services Insurance Plan lists the cost of a vasectomy at \$50.

<sup>80</sup> *Murray v. Murray*, 1949, 2 Dominion Law Report, p. 492; and *Chivers and Chivers v. Weaver and McIntyre*, unreported case of the Ontario Supreme Court.

<sup>81</sup> The College of Physicians and Surgeons of Ontario has said: "The Council views the performance of vasectomy on the same basis as any other surgical procedure which should only be performed in the best interests of the patient, and with the consent of the patient and his spouse. The decision to perform vasectomy is a judgment to be made by the medical practitioner in the individual case; and the procedure should be done only after the results of the operation have been clearly explained to the patient prior to the operation." *Canadian Medical Association Journal*. Vol. 102, January 31, 1970, p. 211.

The position of the Canadian Medical Association was reviewed at a meeting of its General Council on June 15, 1970, when it passed a resolution which stated: "That any procedure for the purpose of producing sterilization of either male or female is acceptable in the following circumstances: When it is performed by a duly qualified medical practitioner; and if performed in an active treatment public hospital or other location with adequate facilities; and if performed with the written permission of the patient and after the patient has signed a statement to the effect that he or she understands that the sterility will in all likelihood be permanent, similar consent of the spouse, or guardian, if applicable, to be obtained when possible."



criminally liable if a Canadian court of law were to rule that sterilization entails bodily harm or maiming as defined by section 216 of the Criminal Code. So far no Canadian court has done so. Civil liability of the physician might arise if the operation were carried out without the consent of the patient and the patient's spouse, unless it were performed because of medical necessity under emergency conditions. The law is not clear as to liability if the consent of the spouse is not obtained.

222. The Commission believes this situation should be clarified by declaratory legislation to make sterilization available to everyone for non-clinical reasons. The law should specify that non-therapeutic or elective sterilization performed by a qualified medical practitioner, upon the written request of a patient, will not create criminal or civil liability for the practitioner if the patient is informed of its consequences in advance, and the operation is performed with due care. The consent of the spouse should not be required.

223. Therefore, we recommend that the criminal law be clarified so that sterilization performed by a qualified medical practitioner at the request of his patient shall not engage the criminal responsibility of the practitioner.

224. Further, we recommend that the provinces and territories adopt legislation to authorize medical practitioners to perform non-therapeutic sterilization at the request of the patient free from any civil liabilities toward the patient or the spouse except liability for negligence.

225. We have been discussing only the legal relationship between patient and doctor. In the relationship between husband and wife, other considerations arise, including their concept of marriage.

226. We can expect that birth control will be practised by Canadian women through increasingly reliable and readily available methods. This may in time lead to a reduction in the incidence of abortion. We doubt that abortion can be eliminated entirely. We must therefore consider abortion and the laws that apply to it. At one time abortion was a serious threat to the life of a woman. Today, due to improved surgical techniques it is safer during the first 12 weeks of pregnancy to undergo an abortion than to continue the pregnancy. It is possible that new methods of abortion may be even safer. Abortion is permissible in some states and countries for pregnancies ranging from 12 weeks to 26 weeks—by which time the foetus is generally considered to be viable. A few countries set no time limit on abortion at the woman's request.

227. To put this question in perspective let us consider the evolution of society's attitude towards unwanted pregnancies. Abortion is one of the oldest forms of birth control: techniques for abortion are mentioned in some of the earliest medical texts. Abortion was considered morally wrong in the Jewish and Christian traditions, though it was not until 1869 that the Roman Catholic Church equated early abortion with murder and imposed excommunication on anyone, including the mother, procuring it at any time. English common law did not consider abortion a serious crime if procured before quickening, when the movements of the foetus in the womb are first felt. It did not become a statutory crime in England until 1803.

228. Demands for liberalization of the law followed. The Women's Co-Operative Guilds supported reform and the British Medical Association called for clarification of the law. It was not until 1938, however, that the first decisive move for reform was made when a London surgeon challenged the law. In this case abortion was ruled to be justified "if the doctor is of the opinion that the probable consequence of the birth will be to make the woman a physical or mental wreck."<sup>82</sup> This ruling applied in England until 1967 when the British Parliament enacted a more liberal law permitting abortion when two physicians are of the opinion that: "(1) . . . The continuance of the pregnancy would involve risk to the life of the pregnant woman, or of injury to the physical or mental health of the pregnant woman or any existing children of her family, greater than if the pregnancy were terminated; or (2) there is substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped."<sup>83</sup>

229. The evolution of the law on abortion was much slower in Britain than in some other countries. Sweden, for example, passed a law in 1939 authorizing abortion on specific medical, humanitarian and eugenic grounds. Japan and some countries in Eastern Europe have also adopted more liberal attitudes towards termination of pregnancy. Legal grounds for abortion in those countries can be classified in the categories of socio-medical, eugenic, therapeutic or socio-economic, and the practice, if not the letter, of the law is equivalent sometimes to abortion on request. The long practice of legal termination of pregnancy in those countries is reflected in their very low female death rate due to abortion. For example, Czechoslovakia reported a death rate of about 2.5 per 100,000 abortions in 1961-64; Japan had about the same rate between 1959-63.<sup>84</sup>

<sup>82</sup> *Rex v. Bourne*, 1938, 3 All England Reports, p. 615.

<sup>83</sup> Abortion Act 1967, Elizabeth II 1967, Chapter 87.

<sup>84</sup> Figures are subject to various methods of reporting in different countries, and comparisons should be made with caution.

230. Countries with more liberal abortion laws have sharply reduced the number of illegal abortions, though these have not been completely eradicated even in countries such as Hungary, where abortion is granted on request. Illegal abortions survive for several reasons such as the lack of privacy offered by the official procedure, the cost of the operation and hospitalization, the shortage of adequate medical staff and hospital space and the lack of information among some segments of the population.

231. In the United States, efforts have for some years been made to persuade state legislatures to adopt statutory exceptions to the general prohibition of abortion, particularly in cases of rape, incest and deformed foetus. About 10 states had taken action along these lines by 1967. More recently the reform movement has pressed for complete repeal of the prohibition of abortion, on the grounds that a woman has the right to decide whether or not to bear a child. Dramatic developments towards reform are now taking place in legislatures and courts. Two recent State Supreme Court decisions<sup>85</sup> have extended the "right to privacy" to cover termination of pregnancy. In September 1969 Mr. Justice R. A. Peters of the Supreme Court of the State of California, in one of these cases, stated: "The rights involved in the instant case are woman's rights to life and to choose whether to have children. . . . The fundamental rights of the woman to choose whether to bear children follow from the Supreme Court's and this court's repeated acknowledgement of a 'right to privacy' or 'liberty' in matters related to marriage, family and sex." At the same time four state legislatures (Hawaii, New York, Alaska and Maryland) were considering bills granting abortion on the request of the woman under different conditions which have to do with residency requirements, performance of the operation by a qualified physician in a licensed hospital, and the period of time after the beginning of the pregnancy. The New York bill has been passed and came into effect on July 1, 1970. However judicial interpretation of the law may settle the issue in the United States when the United States Supreme Court renders judgment in appeal on the abortion cases mentioned above.

232. The amendment of the Canadian Criminal Code in 1969 adapted the law to current medical practice by allowing, under section 237 (4) of the Criminal Code,<sup>86</sup> a qualified medical practitioner in an accredited or approved hospital to procure a miscarriage if the hospital's therapeutic abortion committee, by a majority of its members, has certified in writing that the continuation of the pregnancy would endanger the life or health of the woman. This formal procedure may make it even more difficult for some women

<sup>85</sup> *People v. Belous* in California, September 1969, and *United States v. Vuitch* in Washington, D.C., November 1969.

<sup>86</sup> Criminal Law Amendment Act, 1968-69. *Statutes of Canada*. 1968-1969, Chapter 38.



to obtain a therapeutic abortion than it was in the past. The principal benefactor of this law is the medical profession which will know exactly under what conditions a therapeutic abortion can be performed and criminal responsibility avoided. It can even be argued, and illustrated by the experience of other countries, that a therapeutic abortion committee has the effect of reducing the number of therapeutic abortions performed by a hospital.<sup>87</sup> The current law cannot be relied upon to reduce the number of illegal abortions or the maternal deaths and injuries that follow the improper medical practices used in many illegal abortions. The first report issued by the Dominion Bureau of Statistics since the Code was amended shows that only 235 legal abortions were performed over a three-month period in six provinces: Prince Edward Island, Nova Scotia, New Brunswick, Saskatchewan, Alberta and British Columbia.

233. Requiring the approval of a hospital therapeutic abortion committee has the effect of limiting the possibility of obtaining legal abortion.<sup>88</sup> Approval is not easily obtained and involves delay. For many women in remote areas there is no nearby hospital, accredited, approved or otherwise. Under the present law, they cannot get legal abortions even though qualified medical practitioners may be at hand, unless the life of the mother is endangered.

234. Is there a case, then, to broaden the grounds for abortion in Canada? It is common knowledge that illegal abortions are taking place. The number cannot be accurately known; estimates range from 30,000 to 300,000 a year. Dr. Serge Mongeau<sup>89</sup> gives an estimate for Quebec of from 10,000 to 25,000 annually, for Canada the figure would be 40,000 to 100,000. If the estimate of 100,000 were accurate, it would mean that one pregnancy in five is being aborted by illegal means. Prosecution is not an indication of the number of illegal abortions, since an average of only 30 persons are convicted each year. Law enforcement is non-existent except in a few cases where the woman's life has been seriously endangered.

235. Who are the women who seek abortions? Most national statistics indicate that the majority are married and already have two or three

<sup>87</sup> In New York where formerly therapeutic abortions had to be reported to the Health Service, there was a decrease of 65 per cent of such abortions from 1943 to 1962, following the appointment of hospital abortion committees. Another factor could be the reduction of clinical indications calling for such an operation, as a result of medical development in this field.

<sup>88</sup> Abortions may be performed only in accredited or approved hospitals. A hospital is accredited by the Canadian Council on Hospital Accreditation if it provides certain facilities: in January 1970 of the 948 general hospitals in Canada only 450 were accredited. Hospitals may be approved by the provincial ministers of health: it is not known how many fall within this category.

<sup>89</sup> Mongeau, Dr. Serge, and Renée Cloutier. *L'Avortement*. Montreal, *Les Éditions du Jour*, 1968.



children.<sup>90</sup> For example, a study made in Sweden of women who had abortions showed that 66 per cent were married. In Czechoslovakia, the proportion of married women among those seeking legal abortions was 82 per cent in 1962. In the United States, the Kinsey Report, in 1953, indicated that of 5,293 women interviewed, 1,044 admitted having had abortions; of these, 11 out of 20 were married; the great majority had been aborted by a doctor.

236. Fifteen years ago there was no public demand for legalized abortion. However, in a national opinion survey released on March 7, 1970, a Gallup Poll of Canada showed that 43 per cent of the adult population favoured legislation that would permit a woman to terminate pregnancy at any time during the first three months. Another type of survey carried by the French and English editions of *Chatelaine* in January 1968 indicated that the respondents were certainly in favour of liberalizing the abortion laws. Fifty-six per cent and 54 per cent of the respondents of the English and French versions, respectively, felt that the law on legal abortions should copy Britain's new law, while (respectively) 32 per cent and 25 per cent believed that it should be granted at the request of the women. Combining these two groups would show that more than three-quarters of *Chatelaine's* respondents, both English and French, favoured abortion on request or close to it.

237. During the public hearings of this Commission many organizations and individuals urged the liberalization or the repeal of all abortion laws. We also heard eloquent appeals to retain them. Some people consider the foetus as being a human life and for them abortion amounts to murder. Others believe that the foetus, though having the potentiality of human life, is not yet a human being, and consequently these people do not regard abortion as harming any existing person. The conviction that women have the right to make their own decisions about abortion was often expressed in the formula: "A woman should have control of her own body." Three excerpts from briefs illustrate this point of view: "This is a problem for which only the woman involved can answer. She knows her circumstances and her emotional limitations. She alone should be allowed to make the decision. We cannot and dare not stand in judgment. This one additional pregnancy may be the 'final straw' to break one otherwise reasonably stable home . . . who then cares for any other children? . . . who then cares and

<sup>90</sup> Potts, Malcolm. "Legal Abortion in Eastern Europe". *The Eugenics Review*. Vol. 59, 1967, p. 232, and Mongeau, Dr. Serge, and Renée Cloutier. *L'Avortement*. Montreal, Les Éditions du Jour, 1968, p. 76.

pays for her broken health, physical and mental?"<sup>91</sup> "The law should be amended to permit abortion at the mother's request after she has received the best medical advice available. Such legislative reform would then allow the Canadian woman complete dignity as a person with full rights, no longer subject to a discrimination imposed in a different century by an altogether different society."<sup>92</sup> "We do not feel that the proposed changes in abortion legislation go far enough in giving women control over their own bodies."<sup>93</sup>

238. Public opinion seems to have moved very quickly in the same direction. There is now in New York and a dozen other American cities a National Clergy Consultation Service on Abortion, begun three years ago, which refers about 25,000 women a year to physicians in the United States and abroad. Many American Roman Catholics favour the repeal of laws against abortion rather than their liberalization, preferring to leave the matter to the conscience of the individual rather than see it delineated in a statute. Most Protestant churches take a similar view. During our public hearings, women of all faiths pleaded for a repeal of abortion laws.

239. It is not the function of this Commission to give preference to one trend of religious opinion over another. Moral judgments change with time or when seen in other and wider perspectives.

240. A law that has more bad effects than good ones is a bad law. We believe the present abortion law should be amended. As long as it exists in its present form thousands of women will break it. Breaking the law forces them to resort to methods that seriously endanger their physical and emotional health. The present law also discriminates against the poor, who do not have the means to get an abortion, for example, by going outside the country.

241. We have come to the conclusion that each woman should have the right to decide if she will terminate pregnancy. We believe that a woman who has been the victim of rape or incest should not be forced to bear a child. We propose that the approval of a hospital abortion committee be no longer required and that the decision be made by the woman after consultation with her physician. Anytime during the first 12 weeks of pregnancy is considered to be a relatively safe period in which to perform an abortion.

242. Therefore, **we recommend that the Criminal Code be amended to permit abortion by a qualified medical practitioner on the sole request of any woman who has been pregnant for 12 weeks or less.**

<sup>91</sup> Brief No. 250.

<sup>92</sup> Brief No. 29.

<sup>93</sup> Brief No. 437.

243. Further, we recommend that the Criminal Code be amended to permit abortion by a qualified practitioner at the request of a woman pregnant for more than 12 weeks if the doctor is convinced that the continuation of the pregnancy would endanger the physical or mental health of the woman, or if there is a substantial risk that if the child were born, it would be greatly handicapped, either mentally or physically.

### (iii) One-Parent Families

244. About 90 per cent of one-parent families are headed by a mother.<sup>94</sup> In most divorce actions, the custody of the children is given to the mother. In cases of desertion, it is usually the father who has left. Statistics show that most wives outlive their husbands. The unmarried mother, rather than the father, usually keeps her child.

245. Such families occupy a marginal position in Canadian society. The social problems experienced by the single parent mother range from feeling herself an outcast to concern about rearing her children without a father's influence. Frequently she is in a difficult financial position, a matter which we discuss more fully in the Chapter on poverty where we have recommended a guaranteed annual income for sole-support parents.

246. Women who find themselves in charge of their households, with responsibility for one or more children, often show great resourcefulness and strength and may resent the implication that they are special cases needing society's help. Increasingly they are working out a way of coping independently with life and providing a home environment which meets the needs of their children.

247. Society should provide supporting service for all parents, as we have pointed out in the preceding pages, but it is especially important for the sole-support mother to have day-care centres and other facilities available to her and she should receive priority as long as shortages exist. But society should also give more recognition to the single parent with children as a valid family group. Appropriate counselling services, group housing for single parents, special summer camps, and organizations such as Parents Without Partners may be of some value to the sole-support mother, but it is preferable to draw her into wider social programmes and to include her wherever the family unit is being considered. Segregation is not the best solution for either mother or child. Educators should be aware of the

<sup>94</sup> Schlesinger, Benjamin. "The One-parent Family: an Overview." *Family Life Co-ordinator*. Vol. 15, no. 4, October 1966.

one-parent family when choosing teaching aids or leading classroom discussion, in order that the separate roles of two parents should not be over-emphasized or the one-parent child made to feel deprived.

### *The Unmarried Mother*

248. In Canada there are an increasing number of children being born out of wedlock, particularly during the last decade. For the period 1921-25, children born of parents who were not married to each other constituted 2.2 per cent of all live births; this percentage was approximately twice as large in 1960 (4.3 per cent) and almost doubled again during the following seven years to 8.3 per cent in 1967. Roughly one third of the mothers of children born out of wedlock are under 20 years of age. One third are between 20 and 25 years. During the five-year period 1962-67, when the total number of these births increased from 21,818 to 30,057 (an increase of 38 per cent), the increase was greater for younger mothers than for those in the older age groups: the percentage increase was 53 per cent for women under 20; 47 per cent for those aged 20-24; and 23 per cent for those aged 25-29. There was no increase for women over 30 years of age.<sup>95</sup>

249. The unmarried mother is still often judged harshly and may find that expressions of tolerance from society are not translated into the practical matters of child care, employment and housing. Nevertheless, attitudes are becoming more realistic. For example, in some places, an unmarried pregnant girl is encouraged to continue her education. Some school boards provide tutoring services at home and others provide special classes during late pregnancy and until the girl is able to return to school.

250. In Canada, as in other countries, there is a growing tendency for unmarried mothers to keep their children. Child-care agencies report a marked increase in the number of their clients who make this decision. We have no information as to what arrangements other women are making. The decision to keep the child may be influenced by a shift in the pattern of adoptions. The supply of parents wishing to adopt is proportionately less than it was 10 or 15 years ago. It may take longer to place children than formerly. Temporary foster home arrangements for infants are not always available.

251. The single woman who keeps her child may feel isolated and rejected. She may have some difficulty in making social contacts. Landlords, who question her dependability as a tenant, may make housing a problem

<sup>95</sup> Dominion Bureau of Statistics. *Vital Statistics. Annual Reports*. Ottawa, Queen's Printer.



for her. When several unmarried mothers attempt to form a co-operative household to share their financial resources and the care of their children, they sometimes meet opposition from neighbours.

252. Although an unwed mother may be concerned about the welfare of her child, she may be ill-prepared emotionally or financially to look after it. The necessity of trying to be both mother and father puts pressure on her and may create confusion and ambiguity in the mind of the child.

253. Other countries have dealt with these problems in various ways. For example, in Britain co-operative bed-sitting rooms are provided for the unmarried mother and her child for a limited time. In the Scandinavian countries,<sup>96</sup> the mother has the right to use the title Mrs.<sup>97</sup> A child born out of wedlock has the legal right to the father's name and is entitled to share in his father's estate to the same extent as if he were born in wedlock. The word "illegitimate" has not been used in their legislation since 1917. In these countries, counselling services offer the unmarried mother a wide range of help from practical baby-care and housekeeping suggestions to help with her emotional conflicts. Household assistance is provided when necessary and day nurseries are available after the child is six months old. Maternity homes provide care for the mother after her baby is born. Collective homes and apartment buildings are available until her child is three years of age, after which transitional period she is expected to manage for herself. Grants for housing and furniture help her to set up her own household. Further education and job training are supplied free of charge, plus a living allowance for the mother and her baby, until she is self-supporting.

254. In our opinion, every effort should be made to integrate unmarried mothers with children into the main stream of the life of the community. We have recommended a guaranteed annual income for them as for other sole-support parents, which would give them a degree of financial independence. More social services are needed to help them with difficult adjustments. Therefore, **we recommend that the governments of the provinces, territories and municipalities make every effort to integrate the unmarried mother, who keeps her child, into the life of the community, by making sure that she (a) is not discriminated against in respect of employment and housing, (b) receives help with child care if necessary, and (c) has access to counselling to help her with emotional, social and economic problems.**

255. Traditionally, the unmarried father has been regarded as a stranger to the situation. Where an adjudication of paternity is obtained it imposes

<sup>96</sup> Schlesinger, Benjamin. "Unmarried Mothers Who Keep Their Children." Background paper prepared for RCSWC, 1970, Appendix A.

<sup>97</sup> In Canada, no law prohibits any woman from using the title of Mrs.

on him a duty to contribute to the support of the child, and possibly the mother as well, and absolves him from any further obligations of fatherhood. The child, as a result, may be denied his father's name, inheritance, custody and care. Some efforts are now being made by social agencies to involve the unmarried father in the planning and care for the child.

256. It is the practice in some parts of Canada for the authorities to require, before public assistance is given, that an unmarried mother initiate a paternity suit, when the father is known, in order to establish support for herself and her child. We believe that such pressures should not be placed on an unmarried mother, if she is reluctant to take this action.

257. Therefore, we recommend that provinces and territories amend where necessary the regulations relating to welfare programmes so as to prohibit the exertion of any influence on the unmarried mother to press for an order of affiliation.

# Taxation and Child-care Allowances

### Introduction

1. Many married women who work outside the home and contribute to the family budget are taxpayers, and as taxpayers they face problems peculiar to their situation in the family. The White Paper on Taxation<sup>1</sup>, presented on November 7, 1969, to some extent acknowledged the existence of a tax problem for working mothers but this aspect was virtually overlooked in the public discussions that followed its presentation.

2. Many briefs submitted to the Commission claimed that the present tax system unfairly discriminates against married women who work for pay and acts as a disincentive to their entering the labour market. They contended that this tax barrier adversely affects all Canadians by depriving them of the higher standard of living that would result from increased production if more married women worked in the labour force. Our analysis of these problems led us to recommendations that involve not only the taxation system but also some form of social security.

3. Objectors to the present tax system as it affects women point out three main shortcomings. First, it is claimed that married women who decide to enter the labour force indirectly raise the effective tax rates paid by their husbands. The personal exemption of \$1,000 allowed to a husband because of his "dependent" wife is reduced dollar for dollar if the wife earns an annual income over \$250; it is thus eliminated when she earns \$1,250 or more. The higher the husband's income, the higher the additional tax he will pay if his "dependent" wife works outside. Since the net addition to the family's income may not be worthwhile, this tax "penalty" may deter married women from joining the labour force. It is considered particularly unfair that a husband's exemption is reduced if his wife earns between \$250 and \$950 a year, but it is not reduced if his child earns a similar amount. Dependants other than the wife are allowed to earn up to \$950 before diminution of the taxpayer's exemption on their behalf.

<sup>1</sup> Minister of Finance. *Proposals for Tax Reform*. Ottawa, Queen's Printer, 1969, 96 pages.

4. Second, expenses for the care of children or other dependants are denied to a working mother as a legitimate deduction from her gross salary or wages. Under the present system, the wife who works outside and has one or more dependants who require care pays a tax on earnings out of which she has to pay for child-care. Since the couple must pay for child-care services out of net income, after payment of income tax, a working mother has to earn a substantial salary if her working outside is to be financially more profitable than the value of her services in the home.

5. Third, the tax system discriminates against a husband and wife partnership and against the spouse who employs the other spouse in an unincorporated business or in professional work since a spouse cannot deduct the wages or salary of the other spouse from taxable income as a business expense.<sup>2</sup> On the other hand, a husband or wife who operates an incorporated business, of which he or she may be the main shareholder, may deduct the spouse's salary as a business expense. The ruling therefore penalizes small family businesses, such as farms and retail stores, that cannot afford incorporation, and partnerships, and professions, such as those of lawyers, doctors or accountants, which by law cannot incorporate. The Income Tax Act is particularly unfair to husband-and-wife partnerships. When a married couple is in partnership, the Minister of National Revenue may in his discretion deem the entire income to be that of either husband or wife, and there is no appeal against his ruling.

6. The briefs suggested a number of ways to correct these inequities. Among many solutions, three main reforms were advocated: (a) working women with dependants should be allowed to deduct from their gross income the actual expenses incurred for the care of young children or other dependants such as elderly relatives; (b) a husband's tax exemption for married status should not be reduced or eliminated if his wife earns more than \$250 a year, or the amount should be \$950 for a wife as it is for children; (c) section 21 (2) (3) and (4) of the federal Income Tax Act should be repealed and replaced with legislation that would permit a taxpayer to claim as a deductible business expense wages or salary paid to a spouse employed in a partnership or unincorporated business or in professional work, provided

<sup>2</sup> Section 21 (2), (3) and (4) of the Income Tax Act, 1952, *Revised Statutes of Canada*, 1952, C. 148, as amended: "(2) Where a person has received remuneration as an employee of his spouse, the amount thereof shall not be deducted in computing the spouse's income and shall not be included in computing the employee's income. (3) Where, in a taxation year, a person has received remuneration as the employee of a partnership in which his spouse was a partner, the proportion of the remuneration that the spouse's interest in the partnership business was of the interest of all the partners shall be deemed to have been received by the spouse as part of the income from the business for the year and not to have been received by the employee. (4) Where a husband and wife were partners in a business, the income of one spouse from the business for a taxation year may, in the discretion of the Minister, be deemed to belong to the other spouse."



that the work is actually done by the spouse and that the payment is not excessive. These earnings should be considered as income of the employed spouse.

### The Problem As We See It

7. The Commission endeavoured to find a tax system that would reflect a just balance between the legitimate aspirations of married women and the interests of other taxpayers. We also wanted to give married women a free choice between staying at home or entering the labour force.

8. We recognized that the choice between working at home or working outside cannot be free for women whose family income is too small to support the family. In Chapter 6 we will examine some aspects of poverty. Admitting that the multiple problems arising from poverty cannot be solved in the general framework of a taxation system, we nevertheless recommend certain compensatory measures that combine specific allowances with a revised taxation system.

9. Although we recognize that the present system may act as a disincentive that deters some women from working outside, any proposed changes must preserve an extremely delicate balance. Is it possible to remove the existing disincentive without at the same time creating a positive incentive for all married women to work outside?

10. We consider the present tax system unfair not because it overtaxes indirectly the incomes of married women who work outside the home, but because it undertaxes the incomes of those taxpayers without dependent children whose wives work at home and because it overtaxes families with dependent children. This is due to the technique of personal exemptions, as it is stated in section 26 of the Income Tax Act: "(1) For the purpose of computing the taxable income of an individual for a taxation year, there may be deducted from his income for the year such of the following amounts as are applicable: (a) \$2,000 in the case of a taxpayer who, during the year was (i) a married person who supported his spouse,..." This means that a husband is granted a married status exemption of an extra \$1,000 under the present system, \$1,400 under the White Paper proposals, over and above his personal exemption of \$1,000 (or \$1,400), presumably to reflect the nondiscretionary expenses incurred in maintaining his wife as a "dependant".

11. This rationale for exemptions in our opinion involves a fallacy. In most cases the wife who works at home as a housekeeper, far from being a dependant, performs essential services worth at least as much to her

husband as the cost of the food, shelter and clothing that he provides for her. We agree with the many economists who consider these services a form of family income. There is therefore no justification for classing a wife as a dependant in the same way that a child is a dependant. And yet the exemption for a child amounts only to either \$300 or \$550.<sup>3</sup>

12. The present tax system is strongly biased in favour of couples without dependent children when the wife stays at home. We believe that the loss of or the reduction in the married status exemption of \$1,000 if the wife earns more than \$250 constitutes the real tax barrier against married women who work outside the home. For this reason any measures we recommend to remove the disincentive will appear to discriminate against married women who work in the home. We kept this in mind when trying to establish a just balance between these apparently conflicting interests.

13. The Commission asked a taxation expert, Dr. Douglas G. Hartle, to study the issues involved and to devise a system with a view to 1) removing the present disincentive and 2) respecting the women's freedom of choice. The system he proposed to us is innovative and involves a number of technical elements which we will explain as briefly as possible.

### **Summary of the System Proposed by D. G. Hartle<sup>4</sup>**

14. The proposed system rests mainly on three elements: (1) the distinction between discretionary and non-discretionary income; (2) the theory of imputed income; (3) tax-credits for children.

#### *(1) The concept of discretionary income*

15. Individuals should be taxed in proportion to their discretionary incomes. The discretionary income of an individual is the sum that remains after deducting from gross income the expenses necessarily incurred to earn that income and maintain oneself. A distinction is made between discretionary expenses (for example, gifts to one's family or friends) and non-discretionary expenses (the cost of food, shelter, clothing, medical expenses), that are required to maintain the individual and his family in the socially expected manner, that is, above the bare subsistence level. It might be assumed, for example, that an individual with an income of \$4,000 has to use 80 per cent of it to meet his non-discretionary expenditures. It might be assumed that an individual with an income of \$8,000 has to spend

<sup>3</sup> Section 26(c) of the Income Tax Act. *Revised Statutes of Canada*, 1952, C. 148 as amended.

<sup>4</sup> Hartle, Dr. Douglas G. "Taxation of the Incomes of Married Women". A Study prepared for the R.C.S.W.C. 1968-69.

60 per cent to meet these non-discretionary expenses. Family responsibilities would increase the amount of such non-discretionary expenses and would be taken into account. To put the matter in another way, discretionary income—the income remaining after deducting non-discretionary expenses—would provide a measure of the individual's ability to pay taxes.

16. In the proposed system, income is defined as any addition to an individual's economic power to command goods and services for personal use, whatever the origin or form of such increase, and whether consumed or saved. Income is not confined to money receipts. Wages in kind and gifts in kind are encompassed by the income concept adopted by the author of the study.

## *(2) The theory of imputed income*

17. Married women, the study emphasizes, usually make a major contribution to the family through the provision of housekeeping and child-care services. These services have an economic value, even though they are not included in the estimates of the Gross National Product, because they cannot yet be adequately measured. They represent an income in kind that is just as valuable to the family as cash income. Hence the idea of the imputed income of housewives, i.e., the economic value to themselves and to their family, of those services performed in the home.<sup>5</sup> This principle, however, is not restricted to the housewife. Any services which one provides for oneself, e.g., painting one's kitchen or making one's own clothes, generate income in kind. From this viewpoint, every individual has an income, for those who do not have a money income must have income in kind in order to survive.

18. In the system proposed in the study, each physically and mentally able individual of working age would be deemed to have an imputed income of \$2,000 attributable to self-rendered services. (This figure of \$2,000 is essentially arbitrary because of difficulties of measurement; the amount could be set anywhere between \$1,000 and, say, \$5,000.) The \$2,000 imputed income would be included in the tax base. But for those individuals who receive earned income, the first \$2,000 of such income, salary or wages, would not be taxed, on the grounds that this part of earned income was merely a substitute for imputed income and represented no addition to the tax base.

19. However, including imputed income in the tax base would be virtually unacceptable if it were not associated with another element of this system: non-discretionary expenses. According to the basic assumption mentioned

<sup>5</sup> These imputed services can be valued either by estimating the cost of purchasing similar services in the labour market or the cash income foregone by the mother who works in the home.

above, while every person has a gross income (whether earned or imputed), every person also has non-discretionary expenses that are recognized in the tax system. There is always a proportion of gross income that is not subject to tax. For a married woman who received no earned income and had only an imputed income of \$2,000, it might be assumed that such expenses represented 90 per cent of her income. Thus \$1,800 would be automatically subtracted and the balance of \$200 would be the only amount taxable. Therefore, only a small proportion of imputed income would in fact be taxed. To illustrate, it might be assumed that the tax rate was 50 per cent of one's discretionary income. If the housewife did not work outside and had only imputed income, the maximum tax she would be required to pay would be \$100: the tax at a rate of 50 per cent of a discretionary income of \$200 arising from an assumed imputed income of \$2,000.

20. According to the author of the study, taxing imputed income is the ideal solution to the problem of fair treatment as between one-worker or two-worker couples. Because the housewife's imputed income now escapes tax altogether, there is a great tax advantage in favour of working in the home. If, however, the imputed income of the housewife were taxed to the family, there would be no tax consequences (up to the amount of \$2,000) when the wife decided to substitute an hour of work outside the home for an hour of work in the home. The only change would be the substitution of cash income for income in kind, but it would be taxed either way. Another advantage of this approach is that the tax base would be broadened and this would permit lower rates of tax.

21. The system proposed in the study contains two other elements that should be mentioned: the Family Unit concept, as proposed in the Report of the Royal Commission on Taxation,<sup>6</sup> and the so-called tax on marriage. The proposed system involves the aggregation of the incomes of husband, wife and children and the filing of a joint return. The aggregated income of the family would be subjected to a special tax rate schedule that would be different from the schedule applied to unattached individuals. A man and a woman with identical incomes would pay a slightly higher tax after marriage. Because aggregation involves automatic averaging of incomes of spouses, men and women with substantially different incomes who married would realize a tax saving.

22. Aggregation and joint filing would not be mandatory. Husbands and wives would be given the option to file separately. But if they chose to file separately, they would have to forego the possible averaging advantages of aggregation and would have to pay the tax on marriage.

<sup>6</sup> Royal Commission on Taxation. *Report*. Vol. 3, Ottawa, Queen's Printer, 1967, p.97 and following.



23. The so-called "tax on marriage" would not be imposed to penalize marriage but to achieve greater equity as between single taxpayers and married taxpayers. In fact the "tax on marriage" would be imposed to reflect the fact that married people, and generally any two people living together, can live more cheaply than two individuals living apart, although it is agreed that they cannot live as cheaply as one. If this assumption is correct, then married couples have a greater ability to pay taxes. When the spouses have extremely unequal incomes, aggregation can confer a tax advantage on marriage even if the rates were made higher for married couples than for unattached individuals.

### (3) *Tax-credits*

24. To deal with the problem of child-care expenses, the proposed system would provide tax credits instead of exemptions. A tax credit of \$500 per dependent child under 12 is suggested and would be provided for all families with children, whether or not the mother works outside, because the non-discretionary expenses of parents are independent of their labour force status. Tax credits, it is contended, achieve greater equity than does the present exemption of \$300 (or \$550) per child, or the deduction of actual expenses for child care, both of which tend to provide more relief for upper-income parents.

25. The proposed system would imply an important shifting in the tax burden. Presumably the typical middle-income, one-worker families would carry a heavier fraction of the tax burden than they do under the present system. On the other hand, two-worker couples in the lower and middle-income groups would pay less taxes, especially if they have children, because of the relief provided by tax credits.

### **The Commission's Appraisal of this System**

26. We recognize that the Hartle system would offer a solution to all three of the major problems that were stated in the briefs. (1) By assuming that all individuals of working age have an imputed income, the tax barrier against married women working outside the home would be totally removed without "special" treatment for women. The system becomes neutral with respect to working in the home or outside of it. (2) With a system of tax credits for children, the mother would find that working outside was feasible because the tax credit would offset the taxes on substantial earned income and allow her to buy the services she needs. There would be no extra tax on her employment income below \$2,000. (3) With aggregation, there would

be no need for provisions in the law that attempt to prevent husbands and wives from averaging their incomes through the payment of wages to each other. Moreover, both parents would be recognized as having the responsibility for the care of the children.

27. Despite these advantages, the Commissioners found themselves unable to recommend the system as a whole, mainly because of a major objection to the inclusion of imputed income in the tax base.

28. Although the concept of imputed income is theoretically sound, we feel that its implementation would pose great difficulties. The proposed system requires that "every physically and mentally able individual of working age" should be deemed to have an imputed income. Inevitably there would be a number of cases for which the system would have to provide an exemption. For example, those who were too young or too old to work would have to produce proof of their age, while individuals who were physically or mentally unable to work would have to produce a medical certificate to claim exemption. For most taxpayers, this would be straightforward. But how would the Department of National Revenue deal with borderline cases? What about those who are physically fit to work but are involuntarily unemployed? Imputing income might be unfair to some individuals, in addition to the administrative difficulties involved in its application. Furthermore we found it undesirable that a married woman who stays at home keeping house for her family and having no income of her own should be liable for a tax which her husband would have to pay.

29. The system proposed in the study may be considered as one valuable approach. Since we were unable to recommend this system we had to seek other solutions to our problems. Any approach had to be discussed in the light of our particular objectives, since taxation raises a number of fundamental issues. Before explaining the system we are recommending, we now state the basic principles we adopted and the objectives we aimed to meet. We also mention a few problems that make a satisfactory solution difficult to find.

## **The Commission's Approach**

### *Principles and objectives*

30. Almost all Canadian women work in the labour force before marriage. Many work until their first pregnancy. An increasing proportion remains in the labour force when they have children or re-enter it after the youngest

child has started school or after the children grow up. Whether or not they have children, some women have to work because of financial necessity and others willingly seek paid employment.

31. We were therefore looking for a system which would be neutral in the sense that it would preserve a married woman's freedom either to stay at home or to enter the labour force, and which would treat her fairly whatever her choice. This means eliminating, as much as possible, the "disincentive to work" created by the present system. On the other hand, mothers of young children who would prefer to stay at home and look after them should not be forced to work outside for financial reasons and the tax system should reflect the expenses for child-care whether or not the service is provided by the mother.

32. Other aspects of neutrality should be respected for taxpayers generally. In removing one kind of discrimination we wanted to avoid creating an undue advantage in favour of married women compared with men or single women. Few men and single women have such freedom of choice, since most of them are obliged to work. We are aware that any tax system will inevitably seem to favour one group over another.

### *The problem of exemptions*

33. In the light of these objectives, we believe that the amounts of the dependants' exemptions given under our present system are wrongly apportioned, that is, comparatively speaking the tax exemption for a dependent spouse (usually the wife) is too high and that for a dependent child is too low. It is illogical to attach the lower exemption to the child who unquestionably requires services of a high value and so is properly classed as a dependant and, at the same time, to attach the higher exemption to the wife at home who unquestionably supplies services and so should not be included in the dependent class.

34. In all justice the married status exemption should not be given when there is no dependant in the family. We believe that a woman does not become economically dependent by virtue of her marriage. If she is in fact dependent, it is the result of the couple's personal choice. A childless couple has the right to decide that the wife will devote all her time to homemaking but there is no reason why the State should attach an advantage to this choice by giving the husband a married status exemption. This represents a discrimination in favour of married people.

35. The situation is quite different when there are young children. Children are truly dependent upon their parents. They must have food, clothing, medical care, education, and supervision by at least one adult. When the mother

assumes the daily care of a child, she is of course precluded from earning income through outside employment and her contribution to the family is in services. Her husband provides the cash for necessities as his contribution.

36. It cannot be denied that a family with dependent children must face higher non-discretionary expenses. The costs, in terms of money, for goods and services increase with the age of the children, while the costs in terms of time devoted to their care and supervision tend to decrease as the children grow up. The true dependants in a family are the children, and therefore the exemption given by the State in our tax system should be for them instead of for the married woman working in the home. We should therefore reduce or eliminate the married status exemption and increase the financial subsidy for children and other dependants. We first deal with the married status exemption.

#### *Married Status Exemption: Child-care Allowances*

37. We considered four possible approaches to the married status exemption: (1) to keep it as proposed in the White Paper (at \$1,400); (2) to reduce it; (3) to phase it out gradually over a period of 10 or 15 years, taking into account the age of a married woman and the likelihood she will participate in the labour force; (4) to do away with it immediately.

38. We rejected the first solution because we believe it is inequitable. The higher the exemption given to a husband, the greater the incentive for the wife to work in the home. The White Paper proposal to increase this exemption from \$1,000 to \$1,400 would only make it more difficult for married women who wish to enter paid employment.

39. The fourth approach was also rejected. Although we feel that the married status exemption is basically unfair, we do not want it eliminated immediately. Since it is now generally taken for granted as part of our tax system, its abrupt elimination would be unfair to older couples where the wife has never worked outside and is not expected to do so.

40. We are left therefore with the two moderate approaches: to phase out the married status exemption gradually or to reduce it. To phase it out gradually on the expectations that, in time, all married women will be in paid employment, is not desirable because of factors which interfere with their participation in the labour force. Although an increasing number of girls now take advantage of higher education and training and therefore have better job opportunities than women in previous generations, it does not necessarily follow that all women will find suitable paid employment. A young married woman in a small community may find that the few jobs available



for workers with her degree of education are already filled. A major handicap for married women seeking employment may be the fact that they have less mobility than a single man or woman or even a married man.

41. Consequently, we have decided to recommend that the married status exemption be reduced, to make it possible to be more generous toward true dependants, especially children.

42. A taxpayer's exemption for dependent children is currently \$300 for each child under 16, and \$550 for each older child. In the White Paper, it is suggested that these remain unchanged. As we mentioned earlier, we feel that these amounts are inadequate because they do not reflect the high costs of child care. The White Paper does propose additional relief for child-care expenses when both parents are working. In addition to the general exemption for children, baby-sitting expenses and other costs could be deducted up to \$500 per child under 14, with a maximum of \$2,000 per family. "The total allowed would also be no more than two-thirds of the earned income of the parent with the lower earned income; it would be necessary to ensure that in fact there is not a parent at home."<sup>7</sup> Deductions must be supported by receipts.

43. Any tax recognition of child care is welcome, and this reform is in part what was asked for at the Commission's hearings. The Commission, however, has two main objections to this type of relief as proposed in the White Paper. First, allowing the deduction of actual expenses would tend to be more profitable to taxpayers in the higher income brackets than it would to those in the lower-income groups, as this is the normal effect of an exemption. We are opposed to this tax relief being granted in the form of deductions, because it tends to give an undue advantage to the people who already have a greater ability to pay.

44. Our second objection is that the deduction is contingent on the mother being in the labour force. The proposed change does not recognize the care given to a child by a mother who stays at home. Admittedly, the White Paper proposal is intended to help mothers who work to supplement the family income, since "for families in these circumstances, child-care expenditures constitute a real cost of earning income."<sup>8</sup> It is easy to evaluate this cost when, for example, a mother has to pay \$2,000 a year for a baby-sitter or housekeeper to replace her services in the home. But any compensation for the cost of caring for a dependant should not be contingent on the mother being in the labour force, because these services have to be

<sup>7</sup> *Op. cit. Proposals for Tax Reform*. p. 15.

<sup>8</sup> *Ibid. Proposals for Tax Reform*. p. 15.

provided whether the mother works in the home or outside. For the mother who works at home, this cost might be valued in terms of the cash income she foregoes by looking after children at home instead of taking paid employment.

45. We believe that the State should give adequate compensation for the cost of true dependants, whether that cost is measured in cash outlays or in time devoted to care and supervision, or both. This compensation should be given to all families that support such dependants, whether the mother stays at home or works outside.

46. We considered recommending a substantial increase in the present exemptions for dependants, which would further reduce a family's taxable income, but rejected the idea because exemptions by their very nature provide a larger benefit to families in higher income groups than to those in lower income groups.

47. Tax credits are preferable to exemptions.<sup>9</sup> Tax credits are independent of the size of income and do not benefit the rich, at least in dollars, more than the poor. It is of course true that a \$300 tax credit will mean more to a taxpayer with a small income, who pays perhaps a \$500 tax than to someone with a higher income who pays a tax of \$5,000. But tax credits also have shortcomings: they benefit only those whose income is high enough to be taxed. They do not provide adequate relief for families who have no taxable income or whose tax liabilities are so small that they could not use the full credit. These low-income families are those whose financial need may force the mother to take a job.

48. Consequently, the solution we recommend is to provide substantial cash allowances for dependent children. Since our primary concern is with the dependants as they affect the mother, we have considered only children under 16 years of age. We suggest an allowance in the order of \$500 a year for each dependent child. This amount is proposed not as a definite figure but as an indication of the size of the relief necessary to restore some degree of equity. This allowance should be taxed to avoid subsidizing wealthy families and to enable the government to recoup part of the money distributed. It would replace the present system of Family Allowances<sup>10</sup> and the income tax exemption for a dependent child under 16 years of age.

49. Consistent with the principles mentioned above, we believe that the extra exemption for married status should be approximately \$600. According

<sup>9</sup> A tax credit is an amount deducted from the tax payable; a tax exemption is an amount deducted from the taxable income.

<sup>10</sup> Under the Family Allowances system introduced in 1944, mothers receive \$6 a month for each child under 10 years of age, and \$8 for children from 10 to 16 years.

to the White Paper proposals, the husband's personal exemption would be \$1,400; if we add \$600 for his wife, their combined exemption would be \$2,000, which is what it is now. However when the dependent spouse is 60 years or over, we believe the couple should be entitled to the \$2,800 exemption proposed in the White Paper.

50. Therefore, we recommend that the federal Income Tax Act be amended in order that (a) the extra exemption allowed the taxpayer for the dependent spouse be reduced from the present \$1,000 to \$600 when the dependent spouse is under 60 years of age, and (b) the extra exemption allowed the taxpayer for a dependent spouse be the same as the individual personal exemption, when a dependent spouse is aged 60 and over.

51. Further, we recommend that a federal annual taxable cash allowance in the order of \$500 be provided for each child under 16 to be paid in monthly instalments to the mother as under the present Family Allowances system. It might also be desirable to extend the system to students over 16 and wholly dependent adults requiring care.

52. We recognize that a ceiling of \$2,000 on the total exemption would cause undue hardship to a married couple whose income is very low, especially if one of the spouses cannot find work. To require a couple whose income is below the poverty level to pay income tax is difficult to justify. We therefore suggest the introduction of a special device in the federal income tax system, so that no family would be taxed on an income below the poverty level.<sup>11</sup>

53. Another problem mentioned earlier was raised in many briefs. When a taxpayer operating an unincorporated business or a professional person employs a spouse, this salary is not deductible as a business expense for purposes of income tax. Spouses who are partners in a business enterprise are subject to a similar rule. There are two possible solutions to that problem: (1) to delete the relevant sections of the Income Tax Act. There is no such restriction for parent-child relationship in business, and it seems to us that refusing to allow deduction for payment of wages or salary between the spouses is discriminatory. We understand there may be cases of abuse and administrative difficulties, but abuse is equally possible in parent-child relationships and in incorporated businesses. We see no reason to single out spouses in partnership or unincorporated businesses. (2) To introduce the family unit as a basis for taxation. This tax basis, used in many countries, was proposed by the Carter Commission. According to this system, the members of a family aggregate their incomes and file their income tax statement jointly.

<sup>11</sup> In the Province of Quebec, the Income Tax Act provides for a similar device.

Of course, a special tax rate schedule would apply. The schedules are usually set so that families who file jointly have an advantage, especially when there are large differences between the incomes of the members of the family.

54. We favour the second solution, with a more restricted definition of the family unit than the one adopted by the Carter Commission. In our view, the unit should include only the spouses; it could be called the marriage unit or marriage partnership unit. This appears to us to be a logical basis for taxing the income of a married couple. Married people could elect to file their income tax return separately or jointly. Those who preferred to file individually might have to forego the advantages of joint filing, but, as the Royal Commission on Taxation pointed out, only a small minority of taxpayers would incur a significant tax increase if they decided to file separately. If the marriage unit basis were adopted, the calculation of exemptions should reflect the system of exemptions outlined in our recommendation in paragraph 50.

55. Therefore, we recommend that the federal Income Tax Act be amended in order that husband and wife form a taxation unit and be permitted to aggregate their incomes, under a special tax rate schedule, in a joint return signed by both spouses with the option to file separately if they so desire.

56. If the above recommendation is not implemented, we believe that Section 21 (2), (3) and (4) of the Income Tax Act concerning the payment of wages to a spouse should be repealed.

57. Some fundamental elements and possible effects of our recommendation are as follows: (1) the extra exemption allowed a taxpayer for a dependent spouse under 60 years of age would be reduced from \$1,000 to \$600. (2) A cash allowance in the order of \$500 would be provided for each dependent child under 16. The allowance would be taxable. (3) No tax receipts would be required as evidence of child-care expenses because the child-care allowance would be paid to all mothers, whether the parents themselves care for the children or pay for a substitute. (4) The tax unit for married people would be the marriage partnership unit composed of the two spouses who would aggregate their incomes in a joint return, but husband and wife would be given the option of filing separately.

58. An illustration of our system compared with the present system and the one proposed in the White Paper is shown in Table 1.



Table 1. Estimate of the Financial Advantages or Disadvantages of the Recommendations of the Royal Commission on the Status of Women Compared to the Present Tax System and to the Proposals of the White Paper on Taxation for a Couple When Only One Spouse is Working for Pay

Relevant Financial Benefits in the Three Systems (All figures relate to annual amounts)														
Present System					White Paper System				RCSW System			Advantage (+) or Disadvantage (-) of RCSW System Compared to:		
Number of Children and marginal rate of income tax	Family* allowances (non- taxable)	Tax saving** due to \$300 child exemption	Tax saving** due to \$1000 married status exemption	Tax saving** due to \$1400 married status exemption	Family Allowances (non- taxable)	Tax saving due to \$300 child exemption	Tax saving due to \$1400 married status exemption	Total benefits	\$500 child-care allowance less tax***	Tax saving due to married status exemption	Total benefits			
		Total benefits	Total benefits	Total benefits		Present situation	White Paper							
No child														
50%	—	—	\$500	\$500	—	—	\$700	\$700	—	\$300	\$300	\$300	—\$200	—\$400
30%	—	—	300	300	—	—	420	420	—	180	180	180	—120	—240
20%	—	—	200	200	—	—	280	280	—	120	120	120	—80	—160
1 child														
50%	\$84	\$150	500	734	\$ 84	\$150	700	934	\$250	300	550	550	—184	—384
30%	84	90	300	474	84	90	420	594	350	180	530	530	+56	—64
20%	84	60	200	344	84	60	280	424	400	120	520	520	+176	+96
2 children														
50%	168	300	500	968	168	300	700	1,168	500	300	800	800	—168	—368
30%	168	180	300	648	168	180	420	768	700	180	880	880	+232	+112
20%	168	120	200	488	168	120	280	568	800	120	920	920	+432	+352
3 children														
50%	252	450	500	1,202	252	450	700	1,402	750	300	1,050	1,050	—152	—352
30%	252	270	300	822	252	270	420	942	1,050	180	1,230	1,230	+408	+288
20%	252	180	200	632	252	180	280	712	1,200	120	1,320	1,320	+688	+608

\*The full amount of the family allowance is a benefit since no tax is paid on it.  
\*\*The tax saving due to an exemption is the tax that would be payable on that amount if it were not exempted from taxation.  
\*\*\*While \$500 is received for each child, the actual financial benefit is the amount remaining when the tax is paid on the \$500. If, for example, a tax of \$150 is paid on the \$500, the actual benefit is \$500 — \$150 or \$350.

59. We have attempted to make an approximation of the supplementary cost of implementing our proposed changes in the taxation system and child-care allowances. We questioned whether such proposals would not lead to astronomical costs to be met from public funds. Very rough calculations indicate that these costs would be high but probably not unbearable. Taking into account the supplementary cost of our suggested child-care allowances over and above the present Family Allowances and tax exemptions for children, as well as the accrued revenue resulting from the reduction of the married status exemption, we estimate that the total net supplementary cost of our proposals would probably be at least one billion dollars over the combination of the present Family Allowances and the changes included in the White Paper. However the real net cost of the changes we have proposed are probably much less than what we have estimated. One must consider that the relief given to families for their children will probably take a great proportion of them off the social assistance roll. Our proposed child-care allowances would result in a decrease in the government's subsidies needed for day-care centres.

60. We realize that the system we are recommending will impose a heavier tax burden on childless couples, because of the reduction in the married status exemption. For families with dependent children, the reduction in this exemption is usually more than compensated by the cash allowances. This is precisely the effect we wanted to achieve. It could be argued that this would raise the birth-rate. But from the experience of other countries it is almost impossible to ascertain whether it was the allowances which raised the birth-rate or to what degree other factors contributed to it. For example, in France, where generous children allowances were provided after the war, the birth-rate went up, while in the United States during the same period, when no allowances were given, there was a comparable rise in the birth-rate.

61. There are four main advantages in the tax system we have recommended: (1) relating tax relief to the child instead of to the wife would correct the injustice in the present tax system; (2) the contribution made by mothers who stay home to care for children would be recognized and fewer mothers would be forced to work outside for financial reasons; (3) the barrier to outside employment, that is, the loss of the married status exemption when a wife works, would be lower and the increase in the tax of the husband when a married woman enters the labour force would not be as large as it is now; (4) the allowances for children would help to cover the cost of child care when both parents work outside the home.

62. Our recommendations are realistic. Philosophically, they express in positive terms the way that current conditions have affected the status of the married woman as a dependant. Our plan provides a framework that can be adapted to bear more or less heavily on the various taxpaying groups affected by it. This tax system can be modified to suit changing needs without doing violence to its basic principles. The tax incidence that flows from our proposed tax premises can be adjusted by altering the exemptions and allowances to suit the taxpayer's particular classification.

### **Another Aspect of Taxation: Transfer of Assets between Spouses**

63. The marriage partnership unit necessarily implies, in our view, that there should be no tax on transfers between husband and wife, whether made by gifts *inter vivos* or on the death of a spouse. This reform was especially needed in the field of estate taxes, and the Federal Government took the lead by exempting from tax all assets passing from one spouse to another by inheritance and by gifts *inter vivos*.<sup>12</sup> We believe the provinces should follow this lead.

64. Therefore, **we recommend that those provinces that have not already done so amend their respective Succession Duties Acts in order to abolish succession duties on assets passing from one spouse to the other.**

65. Our recommendations to provide financial security for sole-support parents and elderly people appear in the Chapter on poverty.

<sup>12</sup> An Act to Amend the Income Tax Act and the Estate Tax Act, *Statutes of Canada*. 1968-1969, C. 33.





"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age and other lack of livelihood in circumstances beyond his control." *The Universal Declaration of Human Rights, Article 25 (1)*.

#### Introduction

1. In the light of the facts presented in the Chapter on the economy it should not surprise anyone to learn that the women of this country are particularly vulnerable to the hazards of being poor. The relationship between women and poverty is apparent in the average earnings of those who are employed, and is even more obvious when one considers the women who are not in a position to earn incomes of any sort. The Commission received a great many briefs dealing less with abstract rights than with economic justice. We were told of the deserted wife with young children who had to live on a welfare allowance of \$115 a month; of the elderly woman whose old age pension was her only income; of the married woman whose husband was unemployed and who had to raise her family on an income of less than \$3000 a year, and of the aging single woman who devoted years of her life to looking after her elderly parents and was left in poor circumstances at their death, without the training or experience for a job. Sole-support mothers, widows, old women who could not afford to buy the medication they needed, came before the Commission and presented their problems with an eloquence impossible to convey here.

2. Through briefs and hearings and as a result of our research we concluded that (a) probably, in total, more women than men are poor, (b) there are specific groups of women, such as sole-support mothers, who are extremely poor, and (c) while discrimination and the lack of supporting social institutions cause hardship among women at all income levels, they cause greatest distress among women who are poor.<sup>1</sup>

<sup>1</sup>"Wage discrimination against the poor is also a problem, especially among women and certain minority groups who may be faced with unfair recruitment and employment practices." The Economic Council of Canada. *Sixth Annual Review. Perspective 1975*. Ottawa, Queen's Printer, 1969, p. 113.

3. Beginning with a brief description of poverty in Canada, we analyze poverty as it affects women whatever their age or marital status. We examine more closely two groups of women: sole-support mothers and elderly women and we make recommendations concerning these groups. We look also at the question of poverty among the Indian, *Métis* and Eskimo women in Canada.

### Poverty in Canada

4. One Canadian in every five is poor.<sup>2</sup> This statement appears to hold true in the light of statistics for 1967, the latest available at the time of our enquiry. The Dominion Bureau of Statistics divides the population into two groups: families and unattached individuals. The estimated percentage of families with low incomes decreased from 21.2 per cent of all families in 1965 to 18.6 per cent of all families in 1967.<sup>3</sup> But the number of unattached individuals has increased in late years, and many among them—both the very old and the very young—have little money to live on. In 1967 in Canada the poor numbered 831,500 families and 585,100 unattached individuals, and this count did not include people in institutions, people in the Yukon and Northwest Territories, or people on Indian reserves. "If poverty is defined as being synonymous with low levels of money income, nearly one-fifth of all families and two fifths of unattached individuals were living in poverty in 1967."<sup>4</sup>

5. The incidence of poverty is much greater in the Atlantic provinces, in eastern Quebec, and in Eskimo and Indian communities, than it is in Ontario, the prairies and British Columbia. In cities of 30,000 or more there is a lower proportion of poor families (11 per cent), in other urban areas it is somewhat higher and in rural areas the proportion is very high (41 per cent).<sup>5</sup> But it should not be inferred from this that most of our poverty is rural, or that it is located exclusively in the eastern regions of Canada. There are acute poverty problems in Montreal and Toronto, and if we consider absolute numbers, over one half (54 per cent) of Canada's low-income families live in Ontario and the western provinces.<sup>6</sup>

<sup>2</sup> The "poor" (or "low-income group") are defined by the Dominion Bureau of Statistics which estimates a "poverty line" (in 1967 dollars) at \$1,740 for a single person; \$2,900 for a family of two; \$3,480 for a family of three; \$4,060 for a family of four; and \$4,640 for a family of five.

<sup>3</sup> Dominion Bureau of Statistics. *Income Distribution and Poverty in Canada 1967*. Preliminary Estimates. Ottawa, Queen's Printer, October 1969, p. 12.

<sup>4</sup> *Ibid.* p. 11.

<sup>5</sup> *Ibid.* p. 14.

<sup>6</sup> *Ibid.* p. 15.

6. A common assumption is that most of the poor are not working. But Dominion Bureau of Statistics data for 1967 indicate that two-thirds of the heads of poor families were in the labour force at least part of the year and one-third had worked the full year on a full-time basis.<sup>7</sup>

7. A basic assumption for these estimates was that any individual or family spending more than 70 per cent of total income on the necessities of food, shelter and clothing, was in a low-income category. On the average, families of different sizes have allocated about half of their income for the same basic expenditures.<sup>8</sup>

8. The Economic Council has proposed as a definition of poverty: "an insufficient access to certain goods, services, and conditions of life which are available to everyone else and have come to be expected as basic to a decent, minimum standard of living."<sup>9</sup> The amount of income needed to achieve this "access" varies in different places. People who live in large urban areas generally have higher incomes than those living in rural areas, but they also have different expectations and higher living costs. The usual approach to measuring poverty statistically is to develop minimum budget requirements for families with differing characteristics and then to determine what proportion of family units have incomes insufficient to meet the estimated budget needs.

9. Poverty is to be without sufficient money, but it is also to have little hope for better things. It is a feeling that one is unable to control one's destiny, that one is powerless in a society that respects power. The poor have very limited access to means of making known their situation and their needs. To be poor is to feel apathy, alienation from society, entrapment, hopelessness and to believe that whatever you do will not turn out successfully. To be poor is to feel deprived of the means of obtaining even the most elementary things that others take for granted. According to recent investigations, it appears that there are few "voluntary poor"; that on the contrary most of the poor are ready to seize appropriate job opportunities when these are available. "... Some recent research suggests that the aspirations of the poor for economic opportunities and a middle-class style of life may be very strong, and that the desire to participate in a productive way in our society is more often frustrated than lacking." The poor are hindered by a "high in-

<sup>7</sup> Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

<sup>8</sup> Dominion Bureau of Statistics. *Urban Family Expenditures, 1959*. Cat. No. 62-521, Ottawa, Queen's Printer, 1963.

<sup>9</sup> Economic Council of Canada. *Fifth Annual Review. The Challenge of Growth and Change*. Ottawa, Queen's Printer, 1968, p. 104.

cidence of inadequate skills and education, a lack of knowledge about how to seek out and exploit job opportunities, sickness, and a repeated thwarting of employment aspirations."<sup>10</sup>

10. Poverty breeds conditions that ensure that the poor remain poor: inadequate housing, bad nutrition, health problems, chronic illness, lack of education, a higher cost of living because so many purchases are made on an emergency or day-to-day basis at highest prices and at highest credit charges. All form part of the vicious circle of poverty.

### Poverty in Relation to Women

11. The role of women as consumers is frequently stressed, with the connotation that women are a privileged group financially in the western world. The reverse is true if we consider women in relation to income. Up-to-date, over-all statistics will not be available until the 1971 national census is completed. But we can look at recent sample surveys which refer to various groups of women, and relate their incomes to those of men in the same circumstances. Thus we find that in 1967 the average income for men 65 and over was \$3,044; the average income for women 65 and over was \$1,596.<sup>11</sup> Incomes reported by all women for the year 1967 averaged \$2,303; for all men in the same year, the average income was \$5,331.<sup>12</sup>

12. An indication of poverty among women appears in Table 1. It shows the very low average incomes of three particular groups in the population: female heads of families; women not in families, and elderly women. (There is of course some overlapping: some of the elderly women appear in each of the other groups as well.)

Table 1. Annual Income of Selected Categories of Women, Canada, 1967

Categories of Women	Average Annual Income	Percentage with less than	
		\$1,500	\$3,000
1. Female heads of family.....	\$2,536	—	—
2. Women not in families.....	\$2,665	42.5%	63.4%
3. Women aged 65 and over.....	\$1,596	74.4	90.5

—Figures are not available.

SOURCE: Lines 1 and 2: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968. Line 3: DBS. *Income Distribution and Poverty in Canada, 1967*. Preliminary Estimates, Ottawa, Queen's Printer, October 1969.

<sup>10</sup> *Op. cit.* Economic Council of Canada. *Sixth Annual Review*. p. 111.

<sup>11</sup> *Op. cit.* Survey of Consumer Finances.

<sup>12</sup> *Op. cit.* *Income Distribution and Poverty in Canada*. p. 7.



13. Another large group of poor women is made up of wives and mothers in two-parent families. Here we must turn to the statistics showing the number of low-income families with male heads.<sup>13</sup> In 1967 there were in Canada 708,300 low-income families headed by a man.

14. Poverty affects all members of a family, but often it is the wife and mother who is subject to greatest stress. It is her immediate responsibility to cope with crowded, inadequate housing and limited budgets. Frequently she gives priority to the needs of her husband, who must present a suitable appearance to the outside world, and to the children, whose future depends on the care she can give them. Her needs come last, and she may be the last person in the family to receive medical or dental care, to have new clothing, or to enjoy any recreation or interests outside her home. If she takes a job to increase the family income she can probably earn very little. Usually she cannot afford to pay for household help and so she must do housework in addition to her outside employment.

15. The number of children in low income families (see Table 2) also adds to the difficulties which poverty presents for women: they are burdened with pregnancies and the care of large households.

Table 2. Number and Percentage of Low-income Families,  
by Number of Children, Canada, 1967

Number of children	Low-income families	All families	Percentage below poverty line
No children.....	346,700	1,798,500	19.3
1 child.....	111,500	802,000	13.9
2 children.....	126,000	823,100	15.3
3 children.....	102,100	528,800	19.3
More than 3 children.....	145,200	564,900	25.7
<b>TOTAL.....</b>	<b>831,500</b>	<b>4,517,300</b>	<b>18.4</b>

SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

16. Although large families are becoming less frequent, there were still, in 1966, 125,437 families with seven or more children; among them were 38,775 families with nine or more children. Although such families are only 2.7 per cent of all Canadian families, they present special problems

<sup>13</sup> Whereas the Dominion Bureau of Statistics category called "female heads of family" usually means a one-parent family, the one called "male-headed families" usually refers to a two-parent family. In fact about 98 per cent of these men have wives.

when the family has insufficient income. The needs occasioned by the presence of many children add to the hardships of poverty, if only in respect of housing: it is extremely difficult to find housing in large urban centres to accommodate families with as many as seven or more children.

17. Women not in families, living alone or in households where they are not related to other household members, present a different aspect of poverty. They are part of the group of men and women outside of families which is seen as a larger component in recent estimates of poverty in Canada. Of all women outside families, 47.3 per cent, or nearly half, have incomes below \$1,740. There are 364,500 unattached women in this category.

18. A surprising proportion of these unattached women on low income, 21.2 per cent, are between the ages of 14 and 25. Many may be assumed to be students, living apart from their parents but not wholly independent and with the prospect of earning a higher income in the future. Others, however, must be assumed to be part of the working poor or of the transient unemployed youth which is a new element in society.

Table 3. Average Annual Income of Female Unattached Individuals, Percentages Under \$1,500 and \$3,000, and Percentage Classified in Low-Income Category, Canada, 1961, 1965, and 1967

	Average Annual Income	Percentage with less than		Percentage Classified in Low-Income Category
		\$1,500	\$3,000	
1961.....	\$1,946	51.2%	77.6%	51.2%
1965.....	\$2,330	45.0	70.0	46.8
1967.....	\$2,665	42.5	63.4	47.3

SOURCE: For 1961—Podoluk, J. R. *Incomes of Canadians*. Ottawa, Dominion Bureau of Statistics, 1961 Census Monograph Series, 1968, Table 6.19, p. 149.

For 1965—Dominion Bureau of Statistics. Survey of Consumer Finances, 1966.

For 1967—Dominion Bureau of Statistics. Survey of Consumer Finances, 1968.

19. Society has tended to overlook the problems of the young woman not in a family. Many are not qualified or trained to earn adequate salaries. Of particular concern are the young girls who move from rural areas to the urban centres. Often they are alone and without money, unaware of the services available to them, and ill-equipped to find a job. In many cases, they are picked up by the police on vagrancy charges and may consequently acquire the stigma of a criminal record. Communities should provide hostels where they could stay on arrival. The Information Centres we have recommended

in the Chapter on education could also be of the greatest help to these girls. A counselling service directing them to job opportunities and training available under the Adult Occupational Training Act of the Department of Manpower and Immigration should be part of the hostel service.

20. Therefore, we recommend that the provinces and territories, in co-operation with municipalities and voluntary associations, provide a network of hostels for transient girls and women where counselling services on job opportunities and training facilities are made available.

21. Within the same group of unattached individuals are the many elderly women who live alone. We deal more particularly with their position later in this Chapter.

22. The harsh consequences of poverty are compounded for women. If a woman is among the "working poor" she knows the frustrations and disappointments, the sense of inferiority, which are the inevitable result of working hard for little return. Since she is a woman she may receive less pay than the man who works beside her, fewer opportunities to take a training course or a better job, less recognition by her employer of her need to earn. She may tend to underrate herself and her capacities still further. The feelings of helplessness and self-deprecation which are one of the most serious aspects of poverty may be hers in double measure.

23. Many more women than men must apply for public assistance. This is especially true of mothers who are left with dependent children. A large proportion of public assistance recipients in most municipalities are mothers with dependent children and they may bitterly resent having to approach the welfare administration for assistance. They suffer the humiliation of feeling they must account for everything they do, particularly to their neighbours. One welfare recipient said: "There is prejudice and discrimination simply because the word 'welfare' is tacked on every aspect of daily living."<sup>14</sup>

24. Many women who are poor continue to cope with multiple problems under the most difficult circumstances. In many poor homes it is the woman who keeps the family together. A number of examples, as well as the statements of social workers, lead us to believe that this attitude of striving to meet difficulties is common among women.<sup>15</sup> A possible explanation of this may be that in our society the husband is seen in the role of breadwinner and provider and if he is unable to fill this role he may lose his self-esteem,

<sup>14</sup> The Senate of Canada, *Proceedings of the Special Senate Committee on Poverty*. Ottawa, Queen's Printer, November 18, 1969, p. 22. Winnipeg Welfare Rights Movement.

<sup>15</sup> American studies provide support for these observations. Carter, Genevieve M. "The Employment Potential of AFDC Mothers. Some Questions and Some Answers." *Welfare in Review*. Vol. 6, no. 4, Washington, July-August 1968, p. 4.

become discouraged and give up. A poor mother must remain a mother, keeping up her traditional functions of homemaking and child care. This may account for her seemingly greater ability to undergo the many strains associated with poverty.

25. During the past few years we have seen a more militant spirit develop among some women in low income groups. There are now about 215 organizations of the poor in Canada.<sup>16</sup> They exist in almost every city. A great many of them are led by women. They have become actively involved in improving their neighbourhoods, protecting their rights as tenants, and presenting their case for better conditions to municipal, provincial and federal authorities. One group from Montreal expressed their protest in a brief to the Special Senate Committee on Poverty: "Do you expect us to sit idly by and accept your definitions of poverty and your band-aid solutions? Our children are rebellious now, and they turn their anger on their families. When they realize how helplessly we are trapped under the present structures, on whom will they turn their anger?"<sup>17</sup>

26. Social problems such as lack of education and ill health have a special significance for women. The relationship between education, employment and income is well known. Statistical data show a strong link between inadequate education and low incomes. As shown in the Chapter on education, fewer women have the educational requirements and hence the opportunities for occupations which offer a high income potential.

27. The disadvantages of little education appear to affect the income level of women even more than that of men, according to Table 4.

28. There is little doubt that ill health is often disastrous for families in low income groups. Ill health is both a cause and a consequence of poverty; it is an aspect of the self-perpetuating nature of poverty.<sup>18</sup> The risk of malnutrition is greater for specific population groups, due to increased nutritional needs at certain stages of life: pregnant and nursing women are among the most vulnerable. A Canadian study has shown that malnutrition was prevalent among a sample of pregnant women in low income groups in Montreal.<sup>19</sup> An important factor in the ill health of many poor mothers seems to be the after effects of pregnancies from which they could not take time to recover sufficiently.

<sup>16</sup> Carota, Mario. *The Citizen Group Movement among the Low Income Citizens of Urban Canada*. a study sponsored by the Canadian Association of Neighbourhood Services. February 1970.

<sup>17</sup> *Op. cit.* *Proceedings of the Special Senate Committee on Poverty*. December 9, 1969, p. 7. "Up to the Neck" Newsletter of Montreal.

<sup>18</sup> W. A. Mennie. "Health and Poverty". *Medical Services Journal Canada*. Vol. 21, no. 11, December 1965, pp. 787-814.

<sup>19</sup> The Montreal Diet Dispensary. *A Preliminary Report of a Nutrition Study on Public Maternity Patients*. Mimeographed, Montreal, March 1970.



Table 4. Percentage of Unattached Individuals on Low Income, By Sex, and Level of Education, Canada, 1967

Sex and Level of Education	Number of persons		Percentage in Low-Income Category
	Low- Income	All	
Males—			
No schooling or some elementary	97,600	184,500	52.9%
Finished elementary or some secondary.....	82,900	296,400	28.0
Finished secondary or some university.....	34,700	185,800	18.7
University degree.....	5,400	63,900	8.4
All Educational Levels.....	220,600	730,600	30.2
Females—			
No schooling or some elementary.....	98,600	128,600	76.7
Finished elementary or some secondary.....	158,800	313,100	50.7
Finished secondary or some university.....	102,300	283,500	36.1
University degree.....	4,800	45,000	10.7
All Educational Levels.....	364,500	770,200	47.3

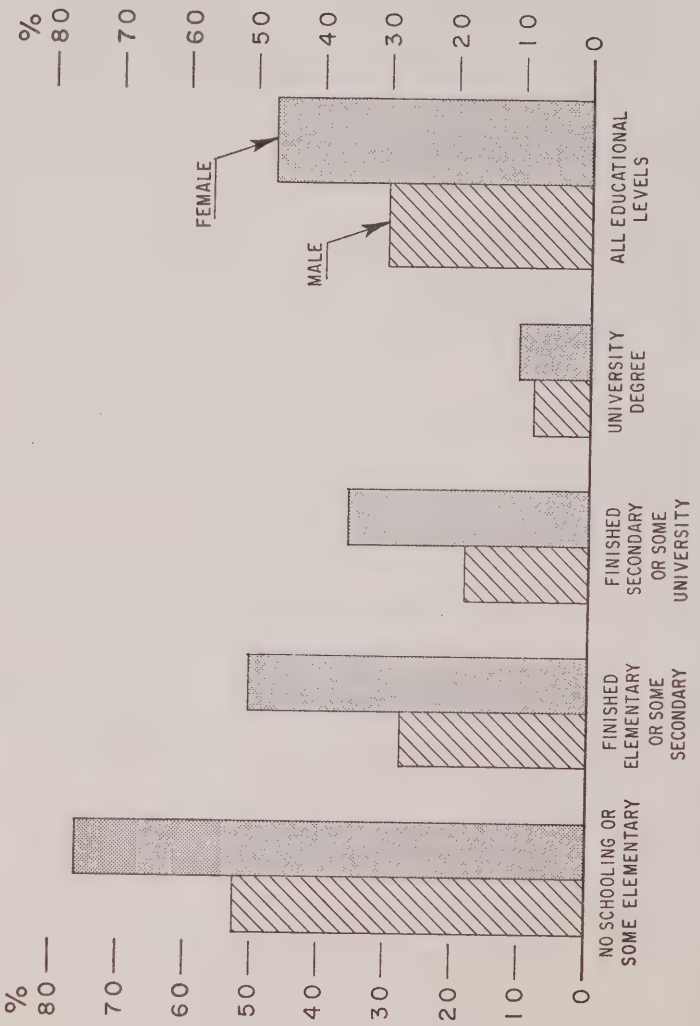
SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

29. An important aspect of life for the poor woman is the inadequate supply of low cost housing. If she is a sole-support mother she may encounter prejudice among landlords, who consider her a poor tenant risk. For all women on low incomes, the disastrous lack of low-cost housing in Canada is of great concern. Canada is far behind other countries in the western world in this respect. Less than one per cent of our current housing stock is subsidized public housing, and even in 1969, public housing was only 3.9 per cent of new housing starts. In Britain, 50 per cent of housing construction in recent years has gone into subsidized public housing.<sup>20</sup> Public housing as we have known it in Canada has been criticized: some projects are described as ghettos, and there is a reluctance to stigmatize such housing by restricting its occupancy to welfare families and especially to sole-support mothers on welfare. We are concerned that such fears should not inhibit the provision of public housing of various types and designs. There are long waiting lists of people for public housing, whatever its disadvantages. One witness appearing before the Special Senate Committee on Poverty said: "Although public housing has certain drawbacks and may be a second-best

<sup>20</sup> Canadian Welfare Council Housing Committee. *The Current Housing Situation and Prime Issues*. Ottawa, Canadian Welfare Council, April, 1970. and Audain, Michael. *Towards a Comprehensive Housing Policy for Ontario*. Unpublished paper for the Canadian Welfare Council Housing Committee.

CHART — I

PERCENTAGE OF UNATTACHED INDIVIDUALS IN LOW-INCOME,  
BY SEX AND LEVEL OF EDUCATION, CANADA, 1967



Source: Dominion Bureau of Statistics. Unpublished data, Survey of Consumer Finances, 1968.

solution for some people, it is certainly better than living in a rat-infested hole. We have not found one person living in these conditions who would not take public housing over their previous living accommodations."<sup>21</sup>

30. The living pattern inherited by generations of poor women makes it very difficult for them to break the bonds of poverty. They grow up more frequently in homes without a father; they are part of a population group which includes more common law relationships, more early pregnancy, more illegitimacy. The daughters of the poor drop out of school earlier, marry earlier, have more children and, more often than middle class girls, are deserted by their husbands and left without support. The teen-age girl from a poor family who drops out of school at 16 to get married is likely to marry a boy close to her own age who has not completed his education and therefore stands very little chance of earning an adequate income for his family. The girl has forfeited her chance of getting sufficient training to enable her to contribute financially to their needs.

31. There is a strong inter-relationship between many of these aspects of poverty. Each contributes to the next: the lack of education to the lack of a job; the lack of a job to poor housing and ill health. Women can escape the treadmill only with society's help and through many concurrent measures to correct the unjust position to which they are relegated.

### **Specific Groups of Women Affected by Poverty**

32. It has been said that poverty in Canada today presents the problem of a large minority which exists in the midst of comparative affluence. In economies like Canada's with high and rising levels of income, poverty to an increasing extent is associated with specific groups rather than with all segments of the population. If, for example, heads of families are females, or not in the labour force, or are aged 65 and over, the probability of poverty is well above average. This analysis of poverty has led us to consider two groups of women: sole-support mothers, and elderly women.

#### ***Sole-support Mothers***

33. More than one-third of all women who are heads of families are poor. In 1967, only 7.5 per cent of all families were headed by a woman, but 14.8 per cent of low-income families had female heads. There were 123,200 poor families headed by women.

<sup>21</sup> *Op. cit.* *Proceedings of the Special Senate Committee on Poverty*. November 17, 1969, p. 50. Winnipeg Tenants Association.

34. The high incidence of poverty among these women is reflected in statistics relating to income and the number of children in the family, compared with the same characteristics for families with male heads. Table 5 indicates, for example, that 66.8 per cent of families with four or more children headed by a woman are poor, compared to 23.7 per cent of families of this size headed by a man.

Table 5. Incidence of Poverty Among Families, by Sex of Head and Number of Children, Canada, 1967

Sex of Head and Number of children under age 16	Number of Families		Percentage in low-income category
	Low-income families	All families	
Male heads—			
No children*†.....	300,800	1,608,100	18.7%
1 child.....	84,500	738,000	11.4
2 children.....	105,900	784,600	13.5
3 children.....	89,200	507,900	17.6
4 or more children.....	127,900	539,000	23.7
TOTAL.....	708,300	4,177,600	17.0
Female heads—			
No children*.....	45,900	190,400	24.1
1 child.....	27,000	64,000	42.2
2 children.....	20,100	38,500	52.3
3 children.....	12,900	20,900	61.9
4 or more children.....	17,300	25,900	66.8
TOTAL.....	123,200	339,700	36.3

SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

\*A head of family is not necessarily a parent; he or she may have no children but may look after one or more dependants, such as an elderly parent. Heads with children 16 and over are also in this group.

†Mostly married couples with no children or children 16 and over.

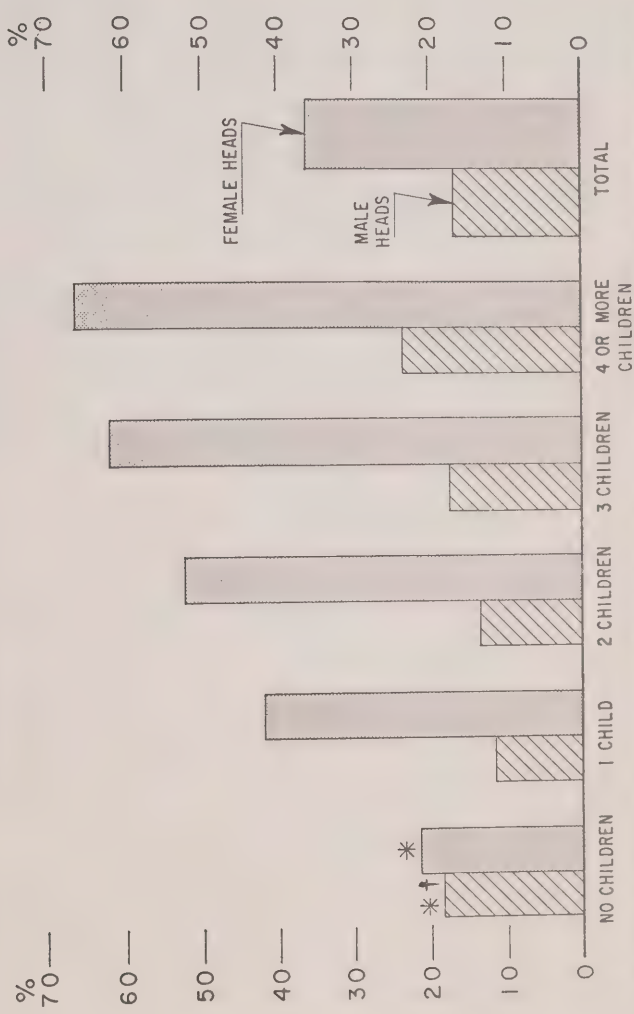
35. According to 1967 data, the average income for all women heads of families was \$2,536, compared with the average income of male heads of families of \$5,821.<sup>22</sup>

<sup>22</sup> *Op Cit.* Survey of Consumer Finances, 1968.



CHART -2

INCIDENCE OF POVERTY AMONG FAMILIES, BY SEX OF HEAD\* AND  
NUMBER OF CHILDREN, CANADA, 1967



\* A head of family is not necessarily a parent; he or she may have no children but may look after one or more dependants, such as an elderly parent. Also heads with children 16 and over are in this group.  
† Mostly married couples with no children or children 16 and over.

Source: Dominion Bureau of Statistics. Unpublished data, Survey of Consumer Finances, 1968.

Table 6. Number of Families and Percentage Under Specific Annual Income by Sex of Head, Canada, 1967

Sex of Head	Number of Families	Percentage with Family Annual Income under		
		\$3,000	\$2,000	\$1,000
Both Sexes.....	4,518,000	13.2%	5.8%	1.9%
Male.....	4,178,000	11.7	4.9	1.5
Female.....	340,000	30.7	16.9	6.5

SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

36. While Canadian families generally have become more prosperous, those headed by women have not kept pace. "Whether the head of the family was a man or a woman made a considerable difference in terms of income improvement over this 15-year period (1951-1965). The proportion of families with incomes under \$3,000 and headed by women declined by only 24 per cent. This contrasted with a drop of 58 per cent in the case of families headed by men."<sup>23</sup>

37. Women who are the heads of families are either widowed, divorced, separated, deserted or unmarried mothers, and they usually have dependent children. More than other families in the average population, these families headed by a woman tend to be supported by welfare assistance. In 1967, 23 per cent of all families with female heads depended on government assistance as their major source of income, compared to six per cent of all families headed by males.<sup>24</sup> Since the inception of the Canada Assistance Plan in 1966, many of the conditions and restrictions formerly imposed on mothers applying for mothers' allowances have been changed or eliminated. In spite of this improvement, the welfare assistance payments now received are often tragically inadequate, as a few examples will show.

38. In 1968, for a needy mother with two dependent children, social assistance rates, excluding rent, in various provinces (except Quebec) ranged from about \$92 to about \$119 a month. This represents a budget to cover food, clothing, utilities, household supplies and personal care. The *Toronto Guides for Family Budgeting* sets a minimum of \$127.86 for the same needs. A rental allowance is paid in addition in most provinces, but it would appear that in many cases the allowance is quite inadequate. In large cities where the

<sup>23</sup> *Op Cit.* Economic Council of Canada. *Fifth Annual Review*, p. 120.

<sup>24</sup> *Op Cit.* Survey of Consumer Finances, 1968.

cost of living is higher, many families have to spend some part of their rental allowance on food, clothing and other items, and thus fall into default on their rent payments.

39. Social assistance rates for the City of Montreal for 1969 have been published. The maximum monthly allowance for a one-parent family with one child is \$125; with two children, \$135, and so on with an increase of \$10 per child.<sup>25</sup> If a mother needs assistance on a long-term basis, under the Quebec provincial scheme she will be paid according to different rates; a needy mother with one dependent child receives \$95 a month; with two dependent children, \$115 a month, and she is allowed \$20 for each additional child. If she is a deserted wife, technically she is not entitled to assistance until six months after desertion, or until she has a judgment for judicial separation, although she may receive emergency assistance for the six-month period.

40. Inadequate public assistance to sole-support mothers frequently leads to placing children in foster homes. One provincial assistance programme gives the mother \$20 a month for the care of a dependent child, yet is willing to pay a foster home from \$60 to \$75 a month to care for the same child. It would seem much more desirable to pay a higher sum to the mother to help her keep her family together.

41. Many briefs presented to the Commission described the plight of the sole-support mother: "The biggest single and continuing problem of sole-support mothers is a basic financial insecurity and a subsistence level of living which they have no real hope of improving".<sup>26</sup> "Women who are the sole breadwinners for their families find that they suffer from the conditions which handicap women in our society, yet they are expected to function like men, in supporting their families."<sup>27</sup> It is almost impossible for one adult to assume what is normally the responsibility of two, and the physical and mental strain involved has harsh consequences for these mothers, and results in a great deal of insecurity for their children. "Just as a couple will normally face the problems of existence with every chance of success, so the wife, when on her own, will find these same problems almost insurmountable. For this reason, society should be the substitute for the 'second partner' by means of programmes which provide moral, material and social security."<sup>28</sup>

<sup>25</sup> However the amounts may vary according to other factors. For example, there are three possible types of assistance: regular, special and emergency.

<sup>26</sup> Brief No. 146.

<sup>27</sup> Brief No. 319.

<sup>28</sup> Brief No. 256.

42. It is always difficult for a sole-support mother to decide whether she should take a job or stay at home with her family. In 1967, statistics show that 56 per cent of women heads of families were out of the labour force, as compared with nine per cent of male heads of families. In most low-income families, when children grow up and begin working, the incidence of low income declines but in such cases all family members are likely to be working. In families headed by women, any working members are usually the children or relatives other than the family head. This situation leads to almost complete loss of income for the woman when her children leave home.

43. If a woman who is the head of a family decides to take employment she is often faced with the problem that, with insufficient education or training, it is difficult for her to earn an adequate income. Nearly one half (49.1 per cent) of all female heads of families in 1967 had either only elementary school education or no schooling; among the low-income families headed by a woman, 57.1 per cent of the women had only elementary schooling or in a few cases no schooling at all. Opportunities for the sole-support mother to upgrade her qualifications and acquire new skills must be greatly expanded. In the Chapters dealing with education and the family, we make recommendations for continuing education and for day-care centres.

44. We believe that the solution to the pressing needs of the sole-support mother is to provide her with a guaranteed annual income paid by the federal government. The same provision should be made for men who are single heads of families with dependent children. The poverty lines adopted by the Economic Council of Canada might serve as guidelines. Some indication of the numbers involved is shown in Table 5, which shows 77,000 female heads of low-income families with dependent children under 16 years of age. The number of low-income men who are sole-support parents is much smaller. Exact figures are not available. In 1967 at all income levels there were only 40,000 families consisting of fathers and children, but in some of these the children were adult, and only 19 per cent of these families had incomes under \$3,000 a year.

45. We recognize in principle the benefits of a guaranteed annual income for all Canadians. As a first step the income should be granted where the need is greatest, that is to single parents and especially to sole-support mothers who as a group represent a major category among the nation's poor. The assistance would be restricted to a group of citizens who, due to circumstances beyond their control, are in a difficult and vulnerable position: their income is substantially below that of the average Canadian and the care of dependent children restricts their participation in the labour force.



46. One method of providing a guaranteed annual income is through a negative income tax. Under this scheme, those whose incomes fall short of the statutory minimum are entitled to an allowance, just as those whose incomes exceed a statutory maximum have to pay an income tax. It should be noted that the allowance for child care recommended in the Chapter on the family would be counted as "income", unlike the existing Family Allowance which is tax exempt.

47. The negative income tax principle has already been introduced in the Guaranteed Income Supplement paid to old age pensioners. Sole-support mothers have a characteristic in common with the elderly: they have a tenuous relationship with the labour market and the question of work incentives for them is of little concern to society.

48. Therefore, we recommend that a guaranteed annual income be paid by the federal government to the heads of all one-parent families with dependent children.

49. We recognize that many women with dependants other than children may be in difficult circumstances. However, some of these dependants such as the elderly or the disabled may have alternative forms of social allowances, and we have therefore singled out sole-support mothers as the group most urgently in need of over-all assistance.

50. The guaranteed annual income would reduce expenditures under various federal and provincial assistance schemes. Any appraisal of costs would have to take into account the discontinuance of those benefits, as well as the additions to pre-tax income of such measures as the child allowance recommended by the Commission.

51. A frequent objection to selective programmes of this kind is that they encourage abuse. It may be said that the proposed plan would encourage husbands to desert so that their families could receive the guaranteed annual income. We believe that this possibility will be reduced if the Assessment Branches attached to Family Courts, which we have recommended in the Chapter on the family, become fully operative. Procedures for establishing the financial responsibility of a husband for his family would be clearly defined through the Assessment Branches. There should be close co-operation between Family Courts and the federal authority administering the Guaranteed Annual Income.

### *Elderly Women*

52. In 1968, life expectancy for women in Canada was 75.6 years, compared to 69.0 for men. Population forecasts estimate that the number of

women in the older age groups will continue to increase more rapidly than the number of men and that, by the end of the century, nearly 57 per cent of the older population will be women.<sup>29</sup>

53. To be old means, far too often, to be poor. In 1967, there were 223,000 families with heads 65 years of age and over, and 275,000 unattached individuals in the same age group, with incomes below the poverty line. Many of the families included a second elderly person, usually the wife.

54. The Guaranteed Income Supplement introduced in 1966 and subsequent increases have somewhat improved the financial situation of many older people. Yet these increases have not moved them above the poverty line: the maximum old age pension payable in 1970 (\$1,336.92) is still below the income limits used in estimating poverty.

55. Older women are often widows<sup>30</sup> who because their children have grown up and left home are no longer members of a family group. There are somewhat smaller numbers of elderly single, divorced and separated women. The 1967 statistics indicate that 262,000 women 65 and over are living alone. Among these women, 1967 statistics reveal that almost half are in the low-income groups and that this proportion represents no marked improvement compared with 1965 figures. Their reported average annual income was \$1,936 in 1967, while the poverty line for individuals was \$1,740 in the same year.

56. The incomes of older women living in families appear to be still lower. They have not been reported separately, but statistics show the 1967 average income for all women 65 and over, regardless of family situation, to be \$1,596. For all men in the same age group it was \$3,044 in the same year.<sup>31</sup>

57. Such a high proportion of incomes below the poverty line probably indicates that many elderly women have only their old age pensions to live on. This confirms the fact apparent in the 1961 statistics, that elderly women living alone are primarily dependent on social security payments. According to the Report of the Special Committee of the Senate on Aging, 70 per cent of all women age 70 and over, compared to 40 per cent of all men in the same age group, had no income other than government pensions and allowances.<sup>32</sup>

<sup>29</sup> Brown, T. M. *Canadian Economic Growth*. Ottawa, Queen's Printer, 1965, Appendix E, Table 2, p. 283.

<sup>30</sup> The Senate of Canada. *Final Report of the Special Committee of the Senate on Aging*. Ottawa, Queen's Printer, 1966, p. 3.

<sup>31</sup> *Op cit.* *Income Distribution and Poverty in Canada*. 1967, Table 5, p. 9.

<sup>32</sup> *Op cit.* *Final Report of the Special Committee of the Senate on Aging*. p. 13.

58. There are now at least four government programmes designed to protect the aged against poverty: (1) a universal old age security pension; (2) a Guaranteed Income Supplement, which is implemented in the form of a negative income tax; (3) the Canada Pension Plan, under which payments are based on the contributor's earnings; (4) various provincial programmes operating under the Canada Assistance Plan, with a 50 per cent federal contribution.

59. Canada has had an old age pension plan since 1927. In 1951 the Old Age Security programme was introduced, under which the entire cost of a universal pension was assumed by the federal government. This scheme is tied to the cost of living and the benefit as of March 1970 was \$79.58 a month. In addition, a Guaranteed Income Supplement based on individual income is paid to a maximum of \$31.83 a month, making a total possible Old Age Security payment of \$114.41 or \$1,336.92 a year. In 1968 there were 1,378,000 people receiving the old age security pension. Over half of them, 742,000, had very little or no additional income, and applied for all or part of the guaranteed income supplement. Many people between 65 and 70 also find they must pay income tax because they are not eligible for the additional \$500 tax exemption to which those over 70 are entitled. A higher exemption level should be introduced to remove people at this income level from the tax rolls, so that they do not pay income tax when their incomes are below the poverty level.<sup>33</sup>

60. The Canada Pension Plan, introduced in January 1966, is of limited assistance to elderly people. Thousands of people now over 65 are ineligible because they did not contribute during their working years. Moreover, the Canada Pension Plan is restricted to people in the labour force and their dependants. A woman who has not worked outside her home is not eligible in her own right though she may receive a widow's allowance.

61. The Canada Assistance Plan provides public assistance through provincial programmes to all individuals and families in need, and is frequently used to assist old age pensioners, or people between the ages of 60 and 65 who are not yet eligible for pensions, when their total income is insufficient to maintain them. The public assistance rates, however, are not enough in many cases to lift incomes even to the poverty level of \$1,800 for a single person in 1968.

62. In spite of all this legislation, our aged population is in constant danger of sliding into poverty. The paradox is that this danger exists even when times are at their best: when the standard of living of those in the

<sup>33</sup> A basic exemption of \$1,400 has been proposed in the White Paper on Taxation. Minister of Finance. *Proposals for Tax Reform*. Ottawa, Queen's Printer, 1969.

labour force is rising most rapidly. During 1968, wages and incomes went up by 8.8 per cent; allowing for the increased cost of living, the gain was still over four per cent. At the same time, the aged who depend solely on their fixed old age security income had a decline in their purchasing power of about two per cent.<sup>34</sup> This is due to the fact that the consumer price index went up by over four per cent, while the cost-of-living increase tied to the Old Age Security benefits is limited to a two per cent rise. There is a widening gap between the standard of living of the aged and the way in which most of the rest of the population can afford to live.

63. Old age usually brings a decline in health and a greater need for drugs and medical care. One woman on welfare testified at the hearings of the Commission that she received only \$5 a month to cover the cost of drugs, although the prescription drugs she required for her heart ailment amounted to nearly \$30 a month. The cost of care in a nursing home can quickly wipe out the small savings of a lifetime.

64. Too often elderly women, single or widowed, are left behind in our society. Thousands are living lives of loneliness and deprivation. While not starving, they are undernourished at a time when they need a good diet to maintain their health. They live in inadequate quarters, such as draughty attics or damp basement rooms. The cost of housing appears to affect women more than it does men. The Special Committee of the Senate on Aging found that elderly women, despite very low incomes, tended to pay more for rental accommodation than elderly men. Low-cost housing projects for the elderly are in short supply and cannot begin to accommodate the number of applicants.

65. Our conclusion is that Canada's old age security system is based on an excellent formula of payments, but lacks generosity. If social rights are to be at all meaningful, the standard of living of the aged should not be allowed to decline when the general standard of living in the country is rising.

66. Therefore, we recommend that (a) the **Guaranteed Income Supplement to the Old Age Security benefits be increased so that the annual income of the recipients is maintained above the poverty level, and (b) the Supplement be adjusted to the cost of living index.**

*Poverty among the Indian, Métis and Eskimo Women of Canada*

67. If it is true that large numbers of the poor in Canada are women, the poorest are the Indian, Métis and Eskimo women. According to the economic consultants to the Carrothers Commission: "Their (Indian and

<sup>34</sup> *Op. cit.* *Proceedings of the Special Committee Senate on Poverty*. June 19, 1969, Appendix N, p. 468. Canadian Welfare Council Submission.



Eskimo) incomes are so low as to bring them within the scope of the 'poverty' problem of Canada and at the lowest and most depressed strata of that problem."<sup>35</sup> Representations were made to this Commission concerning the hardships endured by women on the Indian reserves and in the northern territories, and the discrimination they encountered in white urban communities. A submission from the Alberta Native Women's Conference urged "large-scale anti-poverty programs" because "the general economic and social conditions in which we are presently living are below the standard of living of the majority of Canadians."<sup>36</sup> The same brief made the following proposal: "Whereas native persons have faced discrimination in housing and employment particularly in the cities, it is recommended that an educational program be provided for the white population as well as more strict enforcement of equal human rights laws."

68. Registered Indian and Eskimo people are excluded from the population sample used in the Dominion Bureau of Statistics surveys on income such as those taken in 1965 and 1967. The only figures available come from special surveys based on very limited samples. However, statistics concerning life expectancy and infant and maternal mortality are reliable indicators of general prosperity or the lack of it. Indians and Eskimos of Canada have a high fertility rate. According to the 1961 census for Canada, Indian women, who had just completed their fertility period, had given birth to an average of 6.7 children and Eskimo women to 6.5 children, twice the average for other Canadian women.<sup>37</sup> In 1965-66 the infant mortality rate among registered Indians of Canada was 49 per 1,000 live births.<sup>38</sup> Among Eskimos, for the period 1963-66, it was 95 deaths per 1,000 live births, nearly five times the rate for all Canada.<sup>39</sup> In 1967 the life expectancy of Eskimos of both sexes was estimated at 50 years. In 1968 it was about 66 for Indian women, while the figure for all Canadian women was nearly 76.

69. In 1965, 78.5 per cent of all Indian households had an annual income of less than \$3,000; 54.5 per cent had less than \$2,000 and 28.2 per cent less than \$1,000.<sup>40</sup> The Indian population derives a substantial proportion of its income from government assistance. The amount of public assistance

<sup>35</sup> *Report of the Advisory Commission on the Development of Government in the Northwest Territories*. Vol. 1, Ottawa, 1966, p. 71.

<sup>36</sup> Brief No. 310.

<sup>37</sup> This is still a little lower than, for example, the rate reported for rural French Canadian women of the same age (6.9 children). Dominion Bureau of Statistics. *Census of Canada 1961*. Bulletin 4, 1-8, Table H-4.

<sup>38</sup> Dominion Bureau of Statistics, Vital Statistics Section, unpublished data.

<sup>39</sup> Department of National Health and Welfare. *Life Expectancy of Canadian Eskimos*. Canada, 1969.

<sup>40</sup> A special survey by the Indian Affairs Branch of the Department of Indian Affairs and Northern Development, 1965. *Op. cit.* The Economic Council of Canada. *Fifth Annual Review*. p. 121.

paid to Indians was \$29,644 million in the fiscal year 1968-69.<sup>41</sup> In a survey, Indian homes were found to be lacking sewers, septic tanks, toilets, running water, central heating and electricity. Poor housing conditions are a cause of serious health problems. The brief submitted to us by the Alberta Native Women's Conference said, "... the health situation of many native persons is critical due to scarce field personnel, poor transportation facilities and lack of adequate facilities and staff in hospitals."

70. The economic situation of the Eskimo people is even more serious, if possible, than that of the Indians. According to a 1966 report,<sup>42</sup> the average income of the Eskimo in the Northwest Territories was less than one-sixth that of the white Canadian, which would bring it to about \$800 a year. This does not take into account the Eskimo's income in kind derived from trapping, hunting and fishing. On the other hand, the cost of those goods that must be purchased with cash is substantially higher than in most other parts of the country. Public assistance payments constitute an important part of the income of the Eskimo people, as they do among Indian families.

71. An increasing number of Indian girls and women are leaving the reserves to go to the nearest urban communities to look for work. Their background severely handicaps them, and many submissions at public hearings told of discrimination on racial grounds. Largely through their lack of education and experience and their sense of alienation, many eventually find themselves in trouble with the law. The provision of girls' hostels, as we have recommended earlier in this Chapter, would be especially beneficial to young Indian girls who need a friendly and helpful environment as they enter urban life.<sup>43</sup>

72. Women who come to the cities with husbands who are seeking work also have an extremely difficult time in caring for their families. Such existing organizations as the friendship centres in various cities across Canada should be enabled to extend their services to reach all Indian girls and women adjusting to a new way of living in the city. They should be staffed by native people and should provide social facilities, meals and information about local services. They should be advertised through the rural settlements for the information of migrating families. Airports and bus

<sup>41</sup> *Op. cit. Proceedings of the Senate Committee on Poverty*. January 20, 1970, Appendix A, p. 142. Submission of the Department of Indian Affairs and Northern Development.

<sup>42</sup> *Op. cit., Report of the Advisory Commission on the Development of Government in the Northwest Territories*. p. 71.

<sup>43</sup> This proposal was also put forward in the brief from the Alberta Native Women's Conference, which said: "Whereas many young native girls move to the city without knowing what to expect, we recommend that half-way homes be established in cities where girls could live in for one to three months and receive information and guidance on employment possibilities, city services, educational opportunities, recreational facilities, budgeting, grooming, etc."

terminals should display information to direct migrants who wish to make contact with their own ethnic centres. Therefore, **we recommend that the federal government, the provinces, territories, municipalities and voluntary associations, in co-operation with native people, establish or expand friendship centres directed and staffed by people of Indian, Métis or Eskimo ancestry, to provide needed services.**

## **Conclusion**

73. The specific situation of women in poverty was an unexpectedly significant finding in our investigation. We believe it has merited separate attention and we have made recommendations which have relevance only to the low-income groups. However, we have taken a different approach to such services as day-care centres, visiting homemakers, family planning clinics and greater educational and employment opportunities, and to the provision of child-care allowances. While these measures may be of greatest benefit to the poor, we believe they should be extended to the population as a whole. Selective policies not only stigmatize the services provided but may be more difficult to implement because they frequently receive less public support. Recommendations made in the Chapters on the family, the economy and education should therefore be considered as part of the changes which are needed to improve the position of poor women in Canada.





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# Participation of Women in Public Life

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"Politics is not the possession of those who give it all their time, all their efforts. It belongs to everybody, and everybody ought to be involved in it."<sup>1</sup>

### Introduction

1. The political process offers a wide variety of options for personal involvement. To be slightly involved means to vote, to read, and to watch political news reports and television programmes occasionally. At a higher degree of involvement one may contribute time or money to a political party or to an organization with a political objective. Much greater commitment would lead to offering to serve as a candidate for public office. To neglect to participate in any way has a negative impact.

2. Canada could benefit from the contribution of many more women than are now involved in the political process. And women who are politically active gain a personal benefit in achieving a sense of identity with the community to which they belong.

3. We have examined the way women participate at every level of the political process and looked for measures that would help to increase their participation. In this Chapter, we first review the political goals achieved by women and the extent to which they have used their political rights once obtained. In the final part of the Chapter we examine attitudes toward the participation of women in public life.

### The Background

4. During the nineteenth century struggle for social justice and equality, women began to organize to demand "female emancipation". Some were inspired by the democratic climate of the age, given such eloquent expression in the egalitarian statements of the French and American revolutions; some were reacting to economic and social pressures in their own experience. For the first time, women organized for purposes other than religious or charitable works.

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<sup>1</sup> Mendès-France, Pierre. "The Mission of Politics". *Saturday Review*. New York, May 31, 1969.

5. Fragmented at first, the feminist movement reached its peak in the early years of the twentieth century when the cry for women's rights focussed on a single dominant issue—the franchise. Scarcely 50 years, and in some countries less, have passed since the protracted, often bitter and cruel, openly militant battle for women's suffrage raged across several continents. Today, universal suffrage is taken for granted in most countries as a basic democratic right.

6. It is, however, a relatively new concept. In ancient Athens where democracy originated, women, slaves, and people living outside the walls could not vote. Throughout western civilization, wherever the franchise was introduced it continued to be exclusively male and very limited. In Britain, it was established as the privilege and responsibility of men of property and position. In the United States, although the Declaration of Independence proclaimed "all men are born free and equal", negro men, even those who were not slaves, were denied the vote until 1870. In Canada, where the parliamentary system was derived from Britain, only men voted<sup>2</sup> although from earliest days the property and income qualifications were such that an unusually high percentage of men were enfranchised. Men's struggle to free the federal and provincial suffrage from property and income qualifications took years and came slowly, province by province.

7. Women's struggle for the vote followed as a logical sequence, as part of the continuing democratization of Canadian society. In Britain, women achieved the franchise in 1928. In the United States, they voted for the first time in the territory of Wyoming as early as 1869, and thereafter were given the franchise state by state. They won the federal vote in 1920. In Canada, women obtained the federal vote in 1918, but could vote in some of the provinces before that time. Manitoba, in 1916, was the first province to accord them the vote; Quebec, in 1940, the last.

8. The Canadian movement for woman suffrage was influenced by ideas originating in France, Britain and the United States. In 1789, the egalitarian philosophy of the French revolution prompted a pioneer feminist, Olympe de Gouges, to draft a Declaration of Women's Rights. Condorcet's pamphlet "*L'admission des femmes au droit de cité*"<sup>3</sup> was another early statement which failed to win acceptance until much later in the history of France. A woman suffrage movement was launched in 1870, but it was not until 1944 that French women were accorded the right to vote.

<sup>2</sup> During the period 1809 to 1834 the women of Quebec voted on several occasions, under a liberal interpretation of the word "persons" which appeared in the Constitutional Act of 1791. Woman suffrage was specifically denied in a later act.

Condorcet. "*L'admission des femmes au droit de cité*", Paris, 1847-49. (Written 1790).

9. In Britain, as early as 1792, the rights of women became an issue with the publication of a pamphlet by Mary Wollstonecraft entitled "A Vindication of the Rights of Women". The woman suffrage movement gained strength in the mid-nineteenth century and in 1866 a petition, signed by 1,499 women, demanding universal suffrage was presented in the House of Commons by John Stuart Mill. His essay, *The Subjection of Women*<sup>4</sup>, became a feminist handbook. In 1903, the movement took a more militant turn with the organization of the Women's Social and Political Union, largely through the efforts of Emmeline Pankhurst and her daughters, Christobel, Sylvia and Adela. The British "suffragettes" first tried passive resistance such as refusing to register for the census. Later, taking their cue from male protestors of other days, they resorted to violence—disrupting public meetings, destroying mail, setting fire to houses and, when arrested, going on hunger strikes which were countered with forcible feedings. In 1913, the militant Emily Davidson earned martyrdom for the cause by throwing herself under the King's horse at the Derby. However, when World War I broke out the next year, patriotic fervor brought the women's campaign to a standstill. In 1918, women of 30 years of age and over were accorded the vote provided they were married or were householders or university graduates—severe limitations for women in those days. Ten years later, the so-called "Flapper Bill" eliminated the restrictions and lowered the voting age for women to 21 years so that women voted on equal terms with men. Women were not eligible to sit in the House of Lords until a bill to create life peers was passed in 1958. In that year, four women were appointed to the peerage and took their seats in the House of Lords. By the Peerage Act of 1963, the hereditary peeresses became eligible to sit in the House of Lords.

10. In the United States, in 1848, a feminist vanguard held the first recorded convention on the rights of women. By the late 1890's, women were voting in state elections in Wyoming, Utah, Colorado and Idaho, and the intensity and tempo of the demand were increasing. The suffragists organized protest marches, heckled Congressmen and Senators, chained themselves to the railings of the White House and, when jailed, went on hunger strikes. In 1919, the Congress of the United States adopted an amendment to the Constitution which gave women the right to vote in federal and state elections. It was adopted by the required three-quarters of the 48 states and became law in 1920.

<sup>4</sup> Mill, John Stuart. *The Subjection of Women*. London, Oxford University Press, 1912 (originally published 1869).

11. In Canada, in the nineteenth century, "votes for women" was a topic for debate in many of the women's literary clubs, temperance unions and rural groups. By 1880, campaigns for woman suffrage were well underway. Local groups were formed with the vote their common objective but differing sharply on how to attain it. They met and exchanged information in the kitchens, parlours and drawingrooms of their own homes, for in those days unescorted women did not frequent public places. Their political position was not quite the same in all the provinces. In Quebec, women with property qualifications had voted between 1809 and 1834. New Brunswick and Nova Scotia had not expressly denied women the franchise until 1848 and 1851 respectively, but there was no record that they had ever voted before that. In time, women's wide-ranging discussions brought other legal disabilities to their attention. Delegations of women petitioned governments not only for the franchise but also for reform of the provincial and federal laws that bore heavily on women. "The link between reform legislation and woman suffrage impressed itself on . . . (these women's) committees. By 1911, women were voting in New Zealand, Australia, Tasmania, the Scandinavian countries and the American states of Wyoming, Utah, Colorado, Idaho, Washington and California . . . In each of these areas woman suffrage had been followed quickly by changes in the social laws; by statutes that provided equal rights of guardianship between parents, that raised the age of marriage, protected the marriage survivor from poverty by will of the deceased spouse, enforced maintenance, prevented destitution. Here was *prima facie* evidence that only when women could threaten or cajole with the power of the ballot could they expect immediate sweeping reforms, for elsewhere such legislation lagged. Nowhere in Canada did women vote, and nowhere in Canada did these humane principles obtain in law. It was proof that social reform could not be expected from law-makers who were unjust and unyielding over suffrage, and to the disillusioned women on . . . (these) committees woman suffrage stood revealed as the keystone of the arch of domestic legislation".<sup>5</sup>

12. Women in western Canada were the first to win the provincial franchise. In Manitoba, years of work by Lillian Thomas, Dr. Mary Crawford, Nellie McClung and their supporters ended with the coming to power of a new government pledged to introduce woman suffrage, and the passage of the woman suffrage bill in 1916. The same political pattern was repeated in most of the provinces and by 1919 women were eligible to vote in the provincial elections and sit in the provincial legislatures of all provinces except Prince Edward Island and Quebec. Three years later, Prince Edward Island accorded women voting rights on equal terms with men. In Quebec, Idola

<sup>5</sup> MacGill, Elsie Gregory. *My Mother, The Judge*. Toronto, Ryerson Press, 1955, p. 122.



St-Jean, Thérèse Casgrain, Flora Martel and others continued their campaign for close to another two decades. To the customary annual delegations to the Premier, they added a petition to King George in 1936 and made known their views through a new medium, radio broadcasting. Following a change of government in 1939, the woman suffrage bill was passed in 1940. The self-governing Dominion of Newfoundland had enfranchised women of 25 years of age and over in 1925. Any concern over the voting age was suspended in the nine-year period, 1934-1946, during which Newfoundland was governed from Britain, but in 1946 the age was reduced to 21 years. This was confirmed in 1948 by the Terms of Union of Newfoundland with Canada.

13. Women obtained the federal vote and the right to sit in Parliament only by stages. As with most extensions of the franchise, the motive behind each stage was to win political support. The Military Voters Act of 1917 which enfranchised soldiers and sailors in the Armed Services who were under 21 years of age, also enfranchised those women, mostly nurses, who were in the Armed Forces. Later in the same year, the government, to insure its return to power in the forthcoming election and support for the issue of military conscription, enfranchised some 500,000 women who had close relatives in the Armed Services, provided the women possessed the same qualifications for provincial voting as were required of male voters in their province or in the Yukon. The latter requirement was added because without it the federal franchise in Quebec would have been wider for women there than for men, since Quebec still retained a property qualification for provincial voting. The government was returned to power in the election of December 1917. In 1918, it kept its electoral promise by passing a women's franchise act which extended the federal vote to women 21 years of age and over who possessed the same qualifications for provincial voting required for the male voters in their province or in the Yukon and Northwest Territories.

14. The passage of the Dominion Elections Act in 1920 freed federal voting from provincial voting qualifications by establishing a separate federal voting list. It also affirmed the right of women to be elected to Parliament. However, it was not until after World War II that universal suffrage pertained in Canada. Until then, Canadians of Chinese, Japanese and East Indian parentage had no vote unless they had served in the Armed Forces. A little later, men and women of certain religious sects that were exempt from military service were enfranchised. On July 1, 1960, the federal franchise was extended to a final group of previously disqualified people, the registered Indians of Canada.

15. Women in Canada received the vote on the following dates:

Manitoba .....	January	1916
Saskatchewan .....	March	1916
Alberta .....	April	1916
British Columbia .....	April	1917
Ontario .....	April	1917
Nova Scotia .....	April	1918
New Brunswick .....	April	1919
Prince Edward Island .....	May	1922
Dominion of Newfoundland .....	April	1925
Quebec .....	April	1940
Federal .....	May	1918

16. The reforms in social legislation that followed the enfranchisement of women seemed to justify the expectations of the early suffragists. The advance was more rapid in some provinces than in others. However, by 1928, most provinces had introduced equal guardianship of children; mothers' allowances; maintenance for deserted wives; maternity protection; minimum wages; the protection of labour, including child labour; protection for all children including adopted children, the children of unmarried mothers and juveniles appearing before the courts; and had raised the age for compulsory schooling and the age at which marriage could be solemnized within the province. At the federal level, the divorce law had been amended to establish "equality of cause" between wife and husband, and the Old Age Pensions Act had been passed. Whether or not these measures can be directly attributed to the influence of the woman voter, it is clear that the advent of woman suffrage coincided with the time when the attention of the law-makers, hitherto preoccupied with economic and financial concerns, turned to social matters.

17. Although the right to vote and to hold public office was won by action in the legislatures, the right to sit in the Senate was won in court. Under Section 24 of the British North America Act, 1867, any qualified person could be summoned to the Senate. However, there was some uncertainty as to whether women could be classified as "persons". Governments, when pressed to appoint a woman to the Senate, took refuge in the ambiguity of the Act. Eventually in 1927, five Alberta women<sup>6</sup> presented a petition to the federal government asking that the Supreme Court of Canada be required to provide an interpretation of the word "persons". On April 24, 1928, the

<sup>6</sup> Henrietta Muir Edwards, Emily Murphy, Nellie McClung, Louise McKinney, and Irene Parlby.

court decided that "persons" did not include women<sup>7</sup>. The decision was appealed to the Judicial Committee of the Privy Council and on October 18, 1929, it ruled that "... the word 'persons' in Section 24 of the British North America Act includes members both of the male and female sex... and that women are eligible to be summoned to and become members of the Senate of Canada".<sup>8</sup>

18. The suffragist movement had not envisaged a continuing role to encourage and persuade women to run for office, a right which was granted along with the franchise. Women can and do vote, but few women have been elected to public office, a development which it was assumed would logically follow.

19. In the federal election of 1921 in which Canadian women first exercised the right to vote, Agnes Macphail, a country school teacher, ran as a candidate for the United Farmers of Ontario and became the first woman Member of Parliament. But very few have followed her lead. Between 1920 and 1970 only 18 women were elected to the House of Commons. In the 1968 election, only one woman, Grace MacInnis of the New Democratic Party, won a seat in the 264-member House. No woman sits on the Government benches and no woman is a member of the Official Opposition. Between 1920 and 1970, only 49 women were elected to provincial legislatures, and in June 1970, 12 women were members in the provincial houses. There have been 134 federal and provincial elections between 1917 and June 1970, and 6,845 people have been elected. Of these, 67 were women, just under one per cent of the total.

20. The small number of electoral victories for women is not necessarily a reflection of their unwillingness to run. In many cases women have run in constituencies where their party's chances were slight. For example, the Liberal Party ran a woman against John Diefenbaker in Prince Albert in 1965 and the Progressive Conservative Party put up a woman against Pierre-Elliott Trudeau in Mount Royal in 1968. This sort of "sacrificial lamb" situation is regarded with some resentment by women who are knowledgeable in public affairs. Of a total of 12,262 candidates in 15 federal general elections, 300 or 2.4 per cent were women. In the 1968 election, there were 967 candidates, of whom 34, or 3.5 per cent were women. But those elected were proportionately less, as Table 1 indicates. We discuss this problem further when we consider women's role in political parties.

<sup>7</sup> "In the matter of a reference as to the meaning of the word 'persons' in Section 24 of the British North America Act, 1867". *Canada Law Reports*. Supreme Court of Canada, 1928, p. 277.

<sup>8</sup> "Henrietta Muir Edwards and others v. Attorney General for Canada and others." *Law Reports, Appeal Cases*. 1930, p. 124.

Table 1. Women as a Percentage of Candidates and Elected Members, Federal General Elections

Elections	Percentage of Women	
	Candidates	Elected Members
Federal general elections 1921-1968 inclusive .....	2.4%	0.8%
Federal general election 1968 only .....	3.5	0.4

SOURCE: Reports of the Chief Electoral Officer, Ottawa.

(21) Cabinet appointments are the prerogative of Prime Ministers or Premiers. At the national level, two women have been appointed to the Cabinet: Ellen Fairclough in 1957 and Judy LaMarsh in 1963. Two others, Jean Wadds (1962) and Margaret Rideout (1966) have been parliamentary secretaries. At the provincial level, of the 12 women M.L.A.'s in June 1970, one is a Minister of Tourism, Hunting and Fishing; four are Ministers Without Portfolio<sup>9</sup>.

22. Two women have occupied the position of Speaker at the provincial level. One of them, Nancy Hodges, was the first woman in the Commonwealth to fill that position<sup>10</sup>.

23. In 1930, Cairine Wilson became Canada's first woman Senator. Since then, 227 men and eight women<sup>11</sup> have been summoned to the Senate. There has never been a woman Senator from the provinces of Alberta, Saskatchewan, Nova Scotia and Newfoundland.

24. As of January 1970, there were only four women Senators in a house with 102 seats. Such a situation cannot be explained by a lack of women competent to hold office. The main function of the Senate is to provide regional representation on a non-election basis and to assist in the lawmaking of Canada by providing "a sober second thought" to decisions made by the House of Commons. We cannot believe that it is not possible to find some 50 women in the 10 provinces who could fulfil the duties of a Senator.

<sup>9</sup> Claire Kirkland-Casgrain serves as Minister of Tourism, Hunting and Fishing in Quebec. Grace McCarthy, Isabel Dawson and Patricia Jordan are Ministers Without Portfolio in British Columbia, while Ethel Wilson holds a similar office in Alberta.

<sup>10</sup> Nancy Hodges became speaker of the British Columbia Legislature in 1949. Thelma Forbes was appointed to the speakership of the Manitoba Legislature in 1963.

<sup>11</sup> Cairine Wilson (Ontario, 1930), Iva Campbell Fallis (Ontario, 1935), Muriel McQueen Fergusson (New Brunswick, 1953), Marianne Beauchamp Jodoin (Quebec, 1953), Nancy Hodges (British Columbia, 1953), Florence Elsie Inman (Prince Edward Island, 1955), Olive Lillian Irvine (Manitoba, 1960), Josie Alice Dinan Quart (Quebec, 1960), Mary Elizabeth Kinnear (Ontario, 1967).



25. In our opinion, the comparatively small number of women in the Senate is an example of a social pattern which, even if it has not been purposely established to eliminate women from important offices, nevertheless produces that result. It is probable that in this field, as in so many others, women are overlooked simply because it is not customary to consider that women might be appointed to certain political offices. In our opinion, this amounts to a generally unintentional—although at times intentional—discrimination.

26. According to the criteria and principles we have accepted, in a normal situation women should not have special rights or special advantages and they should be appointed only on a merit basis. But what has happened in the Senate is not a normal situation. On a merit basis, women have been overlooked. A device should therefore be adopted by which the situation could be systematically and progressively corrected.

27. We do not suggest either a change in the constitution or the introduction of a law to determine any strict procedure. However, we think that if any federal political party is seriously considering the importance of the participation of women in public life and the possibility of giving them equal opportunity with men, it should commit itself to supporting a mechanism by which women could have an equitable proportion of the Senate seats, whatever the future of this institution and the evolution of its structure.

28. There are a number of possible mechanisms. We propose one. Therefore, **we recommend that two qualified women from each province be summoned to the Senate as seats become vacant, and that women continue to be summoned until a more equitable membership is achieved.**

29. The property qualification of \$4,000 is a condition of eligibility for membership in the Senate. It would be difficult for many women to fulfil it. It is, in any case, an undemocratic stipulation, a vestige of the property qualification once required for the vote. Therefore, **we recommend that financial qualifications for eligibility for membership in the Senate be abolished.**

(30) At the municipal level, the proportion of women holding office appears to be somewhat higher than at the federal or provincial levels. But while information about the numbers of women who are Members of Parliament and Legislative Assemblies is readily available, there are no exact statistics on how many persons hold office in the 4,625 municipalities, large and small, recorded by the Dominion Bureau of Statistics in 1968. The town of Tweed, Ontario, is unique in that its voters elected a fifth woman councillor to form an all-women council in September 1967.

31. Departments of government at all levels appoint committees and advisory bodies composed of people with special expertise or interest pertinent to the work of the department. Sufficient consideration does not seem to have been given to the appointment of qualified women to these positions which fill an increasingly important function in public life. Consequently some half of the population contributes almost nothing to economic and social policy making in Canada. We hope that the time has come when authorities are prepared to make a special effort to correct the imbalance in so far as women are concerned. We have discussed these auxiliary agencies of government in the Chapter on the economy and have made recommendations concerning the appointment of a greater number of qualified women. We consider it of particular importance that several women be appointed to the newly-constituted (1970) federal Law Reform Commission since this Commission will probably set the priorities in law reform for the next decade.

32. The appointment of judges is also the prerogative of government. Women are needed as judges to widen the experience of the judiciary. Furthermore, few other appointments would do more to establish in Canada an image of woman equal in authority to man. In 1969, there were 889 judges and magistrates in Canada; 14 of them were women, of whom only one<sup>12</sup> was a member of a superior court. No woman has ever sat on the Supreme Court of Canada or on any of the provincial Courts of Appeal. In this connection, the Honourable J. C. McRuer, former Chief Justice of the Ontario Supreme Court, stated<sup>13</sup> in 1968: "There is not one woman on the Supreme or County Court Bench in Canada. I do not suggest that a woman should be appointed to the Bench because she is a woman, but I do say that there are many women who are practising at the Bar of Canada who would make better judges than some of the men that have been appointed. A woman lawyer has the right to be considered for appointment to the Bench on her merits as any other member of the Bar, and only merit should be considered in making an appointment to the Bench". We are in complete agreement with this statement. If the proposed Federal Court of Canada is set up, we hope that qualified women will be considered when appointments are made. We believe that women are needed at all levels of the law to build up faith in the law and the courts as a neutral force that treats all people equally.

**33. Therefore, we recommend that the federal government and the provinces name more women judges to all courts within their jurisdictions.**

<sup>12</sup> *Madame le Juge Réjane L.-Colas* was appointed a puisne judge of the Quebec Superior Court, February 1969.

<sup>13</sup> McRuer, The Honourable J. C. "The Task Ahead." An address to the National Conference on Human Rights, Ottawa, December 1968.

34. Legislative and judicial offices held by women in 1969 are summarized in Table 2.

Table 2. Numbers and Percentages of Women in Selected Legislative and Judicial Offices, 1969

	Total	Women	
		Number	Percentage
House of Commons.....	264	1	0.4%
Provincial Legislatures.....	634	14	2.2
Senate.....	102	4	3.9
Federal, Provincial and Municipal Courts*.....	889	14	1.5

\*Does not include quasi-judicial offices. Source: Walters, Susan, ed. *Canadian Almanac and Directory for 1969*. Toronto, Copp Clark, 1969.

35. In order to involve young people in political life, a group of parliamentary interns was employed in 1970. They were chosen from among university students whose subjects suggested a possible interest in politics: political science, law, history, and journalism. They were appointed as assistants to Members of Parliament for a period of 10 months, after which a further group was to be chosen. A scholarship of \$6,000 each was contributed by the Donner Canadian Foundation<sup>14</sup> and the programme is administered by the Canadian Political Science Association. The selection committee of men included two chairmen of university political science departments, a political science professor and the Clerk of the House of Commons. Of 129 applicants, 33 were women. Twenty were selected for oral interviews, including four women. Of the 10 hired, one was a woman. We strongly urge that this internship programme be continued and that women be added to the selection committee.

36. One of the important duties of a citizen is to serve as juror in civil or criminal trials. The qualifications for jury duty are determined by provincial laws. In Quebec and Newfoundland, women are not eligible for jury duty. In some provinces, if they do not wish to serve, they are excused solely on the ground that they are women. In others, they are not required to appear unless they give notice of their willingness to serve. In only two provinces, Nova Scotia and British Columbia, do they serve under the same conditions as men. In the Yukon and Northwest Territories men and women are equally

<sup>14</sup> A charitable organization which disperses funds in many fields, such as legal and penal reform, Canadian foreign policy, medical research.

eligible. We see no reason why women should not in all cases carry the same responsibility to perform this important duty as men. In all parts of Canada people are not required to serve on a jury if they are performing indispensable services or if a conflict of interest may arise. The same grounds of ill health or special obligation that enable men to claim exemption should be applied to women.

**37. Therefore, we recommend that the provinces, which have not already done so, require women to be liable for jury duty on the same terms as men.**

### **Other Countries**

38. Canada's record in regard to women in public office is similar to that of other western countries. No country appears to approach equality, although in Sweden, 1968 figures show that 25 per cent of the lower House and 10 per cent of the Senate were women. The high status of Swedish women in other aspects of society undoubtedly contributes to their greater acceptance in the political field.

39. In Britain, 4.1 per cent of the Members of the House of Commons (26 out of 630) elected in 1966 were women, and reflected the percentage of women (4.7 per cent) among the candidates. The 1970 election again returned 26 women. Women are very active at the local level in Britain, especially in the London County Council where they have accounted for as much as 40 per cent of the membership.

40. In France, in 1968, the 487-member National Assembly included eight women (about 1.6 per cent). The situation at the municipal level was little better, with women occupying about two per cent of the Council seats.

41. In the United States, there have been 10 women Senators since the election of Anne Martin in Nevada in 1918. After the 1968 election, only one woman, representing one per cent of the membership, sat in the Senate. In 1916, four years before American women received the federal franchise, Jeannette Rankin of Montana became the first woman to be elected to the House of Representatives. After the 1968 election, the 10 women sitting in the 435-member House of Representatives accounted for 2.3 per cent of that body. In the state legislature, women held some four per cent of the total of 9,400 seats. The President of the United States appoints his cabinet from outside the ranks of Congress and up until 1970 only two women had been selected for Cabinet positions.



42. The U.S.S.R. has a much better participation rate, particularly at the lower levels of government. In 1966, women delegates to the Supreme Council constituted 28 per cent of the total membership. On local councils women comprised 42 per cent of the total, while 27 per cent of the members of executive committees of municipal councils were women.

43. As of June 1970 the Prime Ministers of India, Ceylon and Israel were women. Since independence, the women of India have achieved a relatively high participation rate in government and politics. They have been governors of states, and, in 1969, there were 27 women out of a total of 500 deputies (about five per cent) in the lower house of the National Congress and 17 out of a total of 240 (about seven per cent) in the upper house. An Indian woman was president of the General Assembly of the United Nations for the term 1953-54 and a Nigerian woman for the term 1969-70.

### **Political Parties in Canada**

44. Woman suffrage was won by public campaigns, but the election of women candidates depends on party structure and procedure. It is at this point that women have found it exceedingly difficult to progress toward a fairer representation. Women face two obstacles: a reluctance on the part of male party officials to take a chance on admitting women when they are not convinced that women can do the job as well as they can, and a certain reluctance on the part of most established women's organizations to abandon their position of nonpartisanship in political affairs and to support qualified women for public office. According to a study prepared for the Commission: "In general they (women) appear to feel easier in . . . para-political involvement than in political commitments in the party sense. This attitude has perhaps been fostered by the women's organizations which are non-partisan for practical reasons, but sometimes seem almost to imply that neutrality is a positive goal." Thus there has been little organized backing for women to encourage their participation in electoral campaigns.

45. Women do, of course, belong to political parties. Three major parties, Liberal, Progressive Conservative and New Democratic, maintain organizations at the constituency, provincial and federal levels, each with elected executive bodies. These organizations maintain the party machinery between elections and intensify their activity during election campaigns.

46. In general, women play a supporting role in the party structure. With few exceptions the Liberal and Conservative parties, following long-established traditions, provide for separate women's associations at each level. Originally established in the 1920's and 1930's, these organizations sought to

provide political education for women as newly enfranchised voters. Within the party hierarchy, women's groups are seen as auxiliary to the main associations. The decision-making powers are vested in what for many years were, and in some places still are, referred to as the men's associations. The activities of women's groups are directed predominantly to study sessions and to servicing the party-staffing committee rooms, canvassing, organizing meetings, sponsoring special functions to raise funds and performing many necessary but routine chores which should be the responsibility of a committee and not specifically allotted to the women's groups.

47. The women's associations have not accepted as part of their function the task of supporting women contestants for election to the top policy-making positions in the party or of supporting women candidates as they do in some countries. None of the women candidates or elected Members, interviewed in the study mentioned earlier, considered that membership in a women's association had been a determining factor in her decision to run for office. Responsibility for election strategy, the development of policy, the advertising campaign, the selection of personnel, the collection and dispersal of party funds rests primarily with men. This division of responsibility does not arise from deliberate policy but results from a general acceptance, by women as well as men, that women's role in politics is primarily supportive. The women's associations constitute basically a group of volunteers dedicated to getting the party's male candidates elected.

48. The impression gained from interviews with men and women active in politics is that the women's associations divert energies into the mechanics of running the party that could be more effectively used at other levels. Some went so far as to state that separate women's associations hinder rather than help the participation of women at policy-making levels; that they are a deterrent rather than an asset to women who wish to contribute in more significant ways.

49. It must be concluded that the women's organizations in the Liberal and Progressive Conservative parties are outside the mainstream of party business. One of the first women's groups to accept this fact and vote to amalgamate with the main association has been the Ontario Women's Liberal Association. But for the most part women appear to have a vested interest in their separate organizations. They are bolstered by the praise, frequently patronizing, of party leaders who pay tribute to their loyalty and devotion.

50. Apart from *ex officio* appointments guaranteed by reason of their position in women's associations, few offices are held by women at the constituency, provincial and national levels of the Liberal and Progressive Conservative parties. Only three women have ever been elected as officers of their

party's senior national body.<sup>15</sup> Until fairly recently the composition of annual meetings and leadership conventions of these two parties was also predominantly male. Although men still constitute a much higher percentage of the delegates than women, the introduction by both parties of a mandatory requirement that at least one delegate from each constituency be a woman has greatly increased the representation of women at national and provincial gatherings. This new regulation was reflected in the 1967 and 1968 leadership conventions of the Progressive Conservative and Liberal parties: 16.5 per cent and 15.3 per cent respectively of the delegates were women.

51. In both parties, a small but growing group of women reject the traditional division of functions between men and women party workers and repudiate the status of second-class membership which the auxiliary organizations carry in relation to the "senior" association. These women are making their way directly into the main constituency associations. They are becoming involved in the formulation of policy and the managing of campaigns. They are extending their interest and influence beyond those matters usually called "women's problems" to every question in the social and economic spectrum.

52. The Co-operative Commonwealth Federation-New Democratic Party (CCF-NDP) has never had a separate women's organization. It has had federal and provincial women's committees which were, in effect, standing committees. Women, as well as men, are full members of the constituency, provincial and federal associations. In theory, men and women are equally responsible for all functions, although in practice women have found themselves assigned more often than men to routine tasks. Three of the national offices are at present held by women<sup>16</sup>, and 17 women hold seats on the 109-member Federal Council. An attempt to enlarge this number was made at the 1969 NDP convention when a constitutional amendment was proposed to raise the mandatory representation from five to 25. It was supported by 50 per cent of the votes cast, but failed to gain the necessary two-thirds majority.

53. The fourth party represented in the federal house, the *Ralliement des Cr ditistes*, has two women on its central executive<sup>17</sup>.

<sup>15</sup> Pauline Jewett, National Vice-President of the Liberal Party, elected 1966 and still holding that office in June 1970; Gervaise Brisson, National Vice-President of the Liberal Party, elected 1968 and still holding that office; Flora MacDonald, National Secretary of the Progressive Conservative Party, November 1966-March 1969.

<sup>16</sup> Mary Eady, Federal Treasurer; Peggy Prouse, Vice-President; Marian Bryden, member of the Federal Executive.

<sup>17</sup> Judith Richard, National Secretary; Alice Borgia, National President of Women.

54. Voluntary and public bodies in general lose much by the segregation of their members. We believe that the public life of Canada would benefit from the full participation of women and that women should be accorded full access to political affairs through the party structure.

**55. Therefore, we recommend that women's associations within the political parties of Canada be amalgamated with the main bodies of these parties.**

56. More women have run as candidates for the CCF-NDP than for the Liberal or Progressive Conservative parties. In 1965, 16 women ran as NDP candidates, eight as Liberals, and six as Progressive Conservatives. In the 1968 federal election, out of 34 women candidates, 21 had an NDP affiliation, five were Progressive Conservatives, one was a Liberal and the remaining seven were from smaller parties or were Independents.

57. Figures quoted earlier show that only 2.4 per cent of all candidates in the 15 federal elections since 1921 have been women. Clearly the parties give no priority or planning to the recruitment of women as potential candidates. While no obvious effort is made to discriminate against them, neither is any determined effort made to encourage qualified women to offer to serve as candidates. The history of Canadian political parties is full of examples of the recruitment from outside their own ranks of outstanding men to serve as candidates, often with the expectation of cabinet appointments. We see no reason why outstanding women should not be recruited just as vigorously.

58. The decision to enter the electoral lists is, in the final analysis, up to the individual. Interviews with women who have been successful at the polls federally and provincially indicate the factors which have influenced that decision. The major positive influences cited include: an early environment which provided contact with politically concerned people; personal involvement in community affairs and social issues; prior election to municipal governments (seven of the 27 women interviewed reported such experience); membership in the party organizations and experience as party workers. Of the 18 women<sup>18</sup> who have been elected to the House of Commons since 1921, six were widows of former Members of Parliament and one was the wife of a former Member of Parliament. Two of the widows were also the daughters of former MPs. Occupation does not appear to have been a determining factor in the recruitment of women candidates. Occupations previously held by the women interviewed were varied, but can generally be

<sup>18</sup> Agnes Macphail, Martha Black, Dorise Nielsen, Cora Casselman, Gladys Strum, Ellen Fairclough, Margaret Aitken, Sybil Bennett, Ann Shipley, Jean Wadds, Judy LaMarsh, Margaret Macdonald, Isabel Hardie, Pauline Jewett, Margaret Konantz, Eloise Jones, Margaret Rideout, Grace MacInnis.



described as having a degree of visibility or status. Women are under-represented in law and business, the occupations from which the majority of male Members of the House of Commons are recruited.

59. The interviews revealed a number of impediments to women seeking candidature: in particular, prejudice in the constituency associations, inadequate financial resources and limited mobility. The constituency association has autonomy in the selection of the candidate and jealously guards this right. It is at the constituency level, according to the women interviewed, that disparagement of women candidates and the belief that a woman candidate will lose votes are usually encountered. Women who have been successful at the polls confirm that winning the nomination is a more formidable hurdle than winning the election.

60. Under our present system of financing elections, few candidates come through campaigns without having accumulated sizeable debts. The high cost of running a campaign has been a deterrent to many people who might otherwise have offered themselves as candidates and costs are increasing with each succeeding election, primarily because of the increasing use of television. In the 1965 federal election campaign, the average campaign expenditure was \$6,835 among 454 candidates (out of 1011 official candidates) who answered a questionnaire<sup>19</sup>. Five per cent of these candidates reported spending more than \$20,000 on their campaigns. The highest expense reported was \$49,000.

61. It is already apparent that finding sufficient funds to wage a campaign is difficult for most male candidates. For women candidates, the majority of whom are financially dependent or who have less access than men to the economic community, the difficulties of raising funds are multiplied. Several reform proposals have been brought forward by government committees and other bodies to ease the financial burden for candidates.

62. Some Canadian firms have established generous policies that enable their employees to stand for election with minimum risk to their careers. These include leave of absence with pay throughout the election campaign for an employee who is an official party candidate and job security for the legislative term served; and leave without pay if holding a full-time position on a municipal council or school commission or when serving a temporary government assignment. These and other forms of subsidization, along with shorter campaigns, would be especially helpful to women seeking public office.

<sup>19</sup> Committee on Election Expenses. *Report*. Ottawa, Queen's Printer, 1966, p. 411.

63. Mobility is an important factor in the decision of a woman to enter politics as a candidate. It is still considered unsuitable for the mother of young children, but not for the father, to leave home for five days a week for the greater part of the year. It is still usual for the husband's career and not the wife's to determine where the family will live. The number of women who might otherwise be available as candidates is greatly reduced for these reasons. However, it has been estimated that most Members enter the House of Commons for the first time when they are between the ages of 35 and 50<sup>20</sup> and women are less likely to have small children in their care at this stage of their lives. A more equitable sharing of the care of children by husband and wife and an extension of child care facilities should help to make possible the candidature of women who wish to enter public life.

### Other Voluntary Associations

64. It appears to have been much easier for Canadian women to engage in politics indirectly than to run for elected office. Professional and community organizations of many kinds are constantly in touch with the work of government and exert considerable pressure on the legislative process in matters within their spheres of interest. Such organizations develop public understanding of the subject of their concern by discussing, studying, formulating policies, spotting emerging issues, urging courses of action at all levels of government, sending delegations and presenting briefs, petitioning and canvassing elected representatives. One example that might be cited from among many was the active lobbying of the Canadian Consumers Association, led for the most part by women, which contributed to the establishment of a new government department to deal with consumers' affairs. Another example is the Elizabeth Fry Society which campaigned vigorously until the federal government abandoned its plan to build a woman's prison at Cornwall, Ontario.

65. Another approach to formulating social policy and exerting political pressure is through organized conferences or seminars on particular issues. This process typically brings together a cross-section of government and non-government experts, elected representatives and the public, to discuss and recommend policy. The scale ranges from the neighbourhood to the nation. Within the last few years, there have been national conferences on children, aging, the family, and housing. In each of these, a number of women participated actively in organization and leadership and many women were in attendance.

<sup>20</sup> Ward, Norman. *The Canadian House of Commons' Representation*. Toronto, University of Toronto Press, 1950, p. 118.

66. The Association of Women Electors of Metropolitan Toronto sends observers to meetings of official municipal bodies and formulates policy on critical local issues. Other organizations, notably the National Council of Jewish Women, promote study of political structures and procedures through well-developed educational programmes. The Voice of Women, through briefs and presentations to the government, works to promote world peace.

67. Other women's organizations exert political pressure, in varying degrees, through study and discussion. There are 49 national women's organizations listed by the Women's Bureau of the Canada Department of Labour, and most of them consider it part of their function to express their position on various social and economic questions. Among the well-established are the National Council of Women, the Federated Women's Institutes of Canada, the *Cercle de Fermières*, *L'Association féminine d'Éducation et d'Action sociale*, the *Fédération des Femmes canadiennes françaises*, the Canadian Federation of Business and Professional Women's Clubs, and the Canadian Federation of University Women. Reforms have been advocated by such groups in, for example, equal pay legislation, taxation, divorce and abortion laws, penal reform and child welfare. There are other associations that perform similar functions at provincial and other levels. A more detailed review of women's voluntary associations and their role in Canadian society appears in the Chapter on the economy.

68. A characteristic of the 1960's was the emergence of protest groups expressing strong convictions on various social questions and making plain their feeling of frustration both with constitutional government and with established political and social organizations. Large numbers of women, particularly young women, are attracted to this contemporary mode of political expression. Many are not joining the traditional associations, which some of them regard as having a too middle-class and too middle-aged membership, as well as, often, too limited objectives.

69. Other protest groups have been organized by welfare recipients and others with low income in urban centres. The impetus for the organization and leadership of tenants' associations in the larger cities of Canada has come from women who constitute a large part of the membership. Their aims are the establishment and maintenance of low income housing, rent control, and community control over the problems of housing. Women who live on welfare are protesting many aspects of public assistance and other issues affecting poor people. The Just Society in Toronto is one such group in which women are providing vocal and militant leadership.

70. The Women's Liberation Movement in Canada originated in a women's caucus of the Student Union for Peace Action, as a result of dissatisfaction with the clerical and routine chores assigned to young women in the students' peace movement. It has expanded to become a vigorous advocate of a new role for women in every aspect of life. In the spring of 1970, its members demonstrated in the House of Commons and on Parliament Hill for a repeal of abortion laws.

71. Having originated in the student left, the Women's Liberation movement sees its objectives for women as part of a wider social and economic reform. Other groups, including the New Feminists, are not directly concerned with political ideology and are solely dedicated to changing the position of women in society.

72. It is clear that these groups reflect dissatisfaction with the usual channels of political communication. They also reflect a degree of impatience that will not be mollified by efforts to bring them into the established organizations. It seems likely that they will continue independently, and they may radically alter the present array of women's associations.

73. It is too early to say whether they will serve any more effectively than the older voluntary organizations to introduce their members to direct political action—which means election to Parliament, legislatures and municipal councils.

74. Election to political office and having a say in the policy-making of political parties are the main ways of obtaining political power in Canada. Women will not have an equal opportunity to take advantage of these steps to power as long as they are hampered by their own diffidence, the disparagement and hostility of others, or by lack of mobility due to family responsibilities.

### **Analysis of Involvement**

75. Several attempts have been made to analyze the degree of women's interest in politics and the reasons for their non-participation at higher levels. Women's interest is, in general, assumed to be less than men's and most studies of political behaviour reach this conclusion.<sup>21</sup> However, an analysis of voting and of general political interest in Canada shows a very slight difference between women and men. Voting turnout was examined in

<sup>21</sup> Regenstrief, Peter. *The Diefenbaker Interlude*. Toronto, Longmans Canada Ltd, 1965, p. 95.



a recent study of voters in the 1968 federal election.<sup>22</sup> The study included 1,388 men and 1,379 women eligible to vote. Of these, 86.8 per cent of the men, or 1,205, said they had voted in that election. Among the women, 84.2 per cent, or 1,161, said they had voted. The same degree of similarity emerged when they were asked whether or not they had voted in all federal and all provincial elections for which they had been eligible.

76. In a study of the 1965 general election<sup>23</sup> it was reported that: "... about 3 per cent more men than women vote regularly and the difference is constant in both federal and provincial elections. However, when we look at the differences by province, some interesting findings appear. In Quebec and Ontario more men than women vote, but in the Maritimes the position is reversed . . . The differences (between men and women) are not as great as we would have expected . . ." Dealing with the question of interest in politics, the author goes on: "Twelve per cent fewer females than males expressed themselves as being interested in politics. The regional distribution of this particular difference is especially interesting. In Ontario the difference between men and women is only 4 per cent (76 per cent of men and 72 per cent of women expressing interest in politics), but in Quebec the difference rises to 22 per cent, as only 53 per cent of Quebec women expressed an interest in politics . . ."

77. The author claims that in urban industrialized areas the difference in political participation between men and women is vanishing. A survey made for the Commission in Quebec gives added credibility to the difference between the interest levels of women in rural and urban areas.<sup>24</sup> Consistently, more women in Metropolitan Montreal reported they were greatly interested in politics than did women outside Montreal. This difference related less to municipal politics (six per cent) than to provincial politics (eight per cent) or federal politics (13.5 per cent).

78. The 1968 Meisel survey indicated that 40 per cent of the 1,379 women in the sample had been very much interested in the federal election that year.

<sup>22</sup> Data provided by Professor John Meisel of Queen's University from a study of the 1968 Canadian federal election, based on interviews with 2,767 individuals included in a national sample drawn from the voters' lists. Henceforth data derived from this survey will be identified as the 1968 Meisel Survey.

<sup>23</sup> Van Loon, Richard. *Canadian Political Participation*. an unpublished Ph.D. thesis, Queen's University, 1968. Data derived from a national survey done in 1965 by Converse, Meisel, Pinard, Regenstreif and Schwartz. Henceforth this thesis will be referred to as the Van Loon study.

<sup>24</sup> *The Participation of Women in Politics in Quebec*, a research project undertaken by the Quebec Federation of Women, under Professor Francine Dépatie, Royal Commission on the Status of Women in Canada, 1969, based on a survey conducted in the fall of 1968.

79. Another indication of political interest is shown in the Van Loon study with 70 per cent of all women in 1965, as compared with 75 per cent of all men, reporting that they took the trouble to read about politics in the newspapers, while 11 per cent of women as compared with 15 per cent of men said they attended political meetings.

80. In moving up the scale to more aggressive forms of political activity, women's participation in relation to that of men declines. The 1965 national survey, which formed the basis for the Van Loon study, asked respondents whether they tried to convince other people of how they should vote. Such efforts at persuasion require a high degree of conviction and great self-assurance. The study showed that 16 per cent of women, compared to 30 per cent of men, reported this degree of political activity.

81. There is a wide gap between the relatively simple act of voting and the higher levels of political activity, as far as women are concerned. Most of the women eligible to vote in the 1968 federal election did so, but only 3.5 per cent of the candidates were women.

82. The 1968 Meisel survey used a scale of political efficacy, derived from a number of questions probing the confidence people have in their ability to influence politics. According to this scale, of the respondents (1,388 men and 1,379 women) only 123 had an extremely high sense of efficacy. Two-thirds of these very confident people were men; one-third were women. Women were in the majority in the group that set their own efficacy very low.

83. The Commission's survey in Quebec took note of women's view of the competence of women generally to play an important role in politics. When asked why in their opinion fewer women than men became candidates for election, the majority of their responses had to do with women's unsuitability for the position. Of the total number of respondents, 34.1 per cent said women do not have the necessary background to become candidates and 23.5 per cent said that a woman's chief role is to care for her family. Another reason cited was that "They do not have the time" (10.9 per cent) which might also be interpreted as unsuitability, while a minority blamed the political process: 10.4 per cent said: "Men do not encourage their candidacy" and 11.5 per cent said: "They have less chance of being elected." Those who gave other reasons or did not reply were 10 per cent of the total. A great many of the women respondents to this survey indicated their belief that a woman's role is supportive in society generally and that her home responsibilities should be her first consideration. However, it should be pointed out that in the Van Loon study the women of Quebec appeared to have considerably less interest in politics than Canadian women elsewhere.

84. These limited surveys suggest that there is much to be learned of the relationship between political involvement and the self-image of women. Further studies on a wider scale could be usefully undertaken.

85. In February 1969, the Canadian Institute of Public Opinion published a poll which asked: "Do you think Canada would be ruled better or worse if women had more say in politics?" Opinion was divided fairly evenly, with the largest group (36 per cent) claiming it would make no difference. The next group (32 per cent) felt Canada would be governed better if women had more say. They based their opinion on simple justice ("should be equal") and on affirmation of women's good qualities. A smaller group (24 per cent) were against women having more say, giving their belief in men's superiority as their most significant reason, along with the belief that women should be in the home raising their families. Eight per cent had no opinion.

86. In another poll in 1964, the Institute tried out the question: "If your party chose a woman as federal leader, and if she was qualified for the job of Prime Minister, would you vote for her?" Three-quarters of the respondents were willing to vote for a woman under these circumstances. It is possible that party loyalty played some part in the results of this poll, but the two public opinion surveys together suggest that opposition to women in public life is not widespread enough to justify the limited part they now play.

## Conclusion

87. The last 50 years, since woman suffrage was introduced, have seen no appreciable change in the political activities of women beyond the exercise of the right to vote. In the decision-making positions, and most conspicuously in the government and Parliament of Canada, the presence of a mere handful of women is no more than a token acknowledgement of their right to be there. The voice of government is still a man's voice. The formulation of policies affecting the lives of all Canadians is still the prerogative of men. The absurdity of this situation was illustrated when debate in the House of Commons on a change in abortion law was conducted by 263 men and one woman.

88. Nowhere else in Canadian life is the persistent distinction between male and female roles of more consequence. No country can make a claim to having equal status for its women so long as its government lies entirely in the hands of men. The obstacles to genuine participation, when they lie in prejudice, in unequal family responsibility, or in financing a campaign, must be approached with a genuine determination to change the present imbalance.

89. In pursuit of this aim women must show a greater determination to use their legal right to participate as citizens. They must reconsider the reasons that have kept them from entering politics. When they join a party they must assess their own potential and refuse to become involved in routine chores to the exclusion of participation on a different plane. Men should be expected to accept their share of party work at all levels. Judy LaMarsh commented on the present distribution of political labour when she said: "Women understand that men must often be kept from soiling themselves with the dirty details of life in order to accomplish the big shiny jobs unimpeded. And women in politics have generally accepted this role—to do all the hum-drum, tedious, must-be-done jobs."<sup>25</sup>

90. The unthinking assumption that women are not part of the political process shows itself in such statements as this recent example from a report of a study carried out by York University: "It is obvious that democracy is based on the premise of a well-informed body of citizens, who have the knowledge and other resources to participate in their own government effectively . . . We began with two hypotheses: A Canadian's knowledge and attitudes are related to the positions *he* occupies in *his* society—as a *father*, a taxpayer, a *businessman*, an older person, a French-speaking Canadian; . . ."<sup>26</sup> (The italics are ours).

91. Very positive measures are needed to break the invisible as well as the evident barriers that now exist. The Commission does not believe that special consideration should be given to women. Nevertheless we are convinced that for at least an interim period it is necessary to correct the present imbalance between the participation of women and of men in public life. A special effort must be made to seek out and encourage competent women in Canadian society to accept appointments to the judiciary, the Senate, government boards and agencies, to accept nominations as political candidates and, when elected, to accept major cabinet posts and other positions of responsibility.

<sup>25</sup> LaMarsh, Judy. *Bird in a Gilded Cage*. Toronto, McClelland and Stewart, 1969, p. 36.

<sup>26</sup> Institute for Behavioural Research. *Attitudes Toward Government Information*. Toronto, York University, 1969, pp. 2, 9.



## Immigration and Citizenship

## Immigration

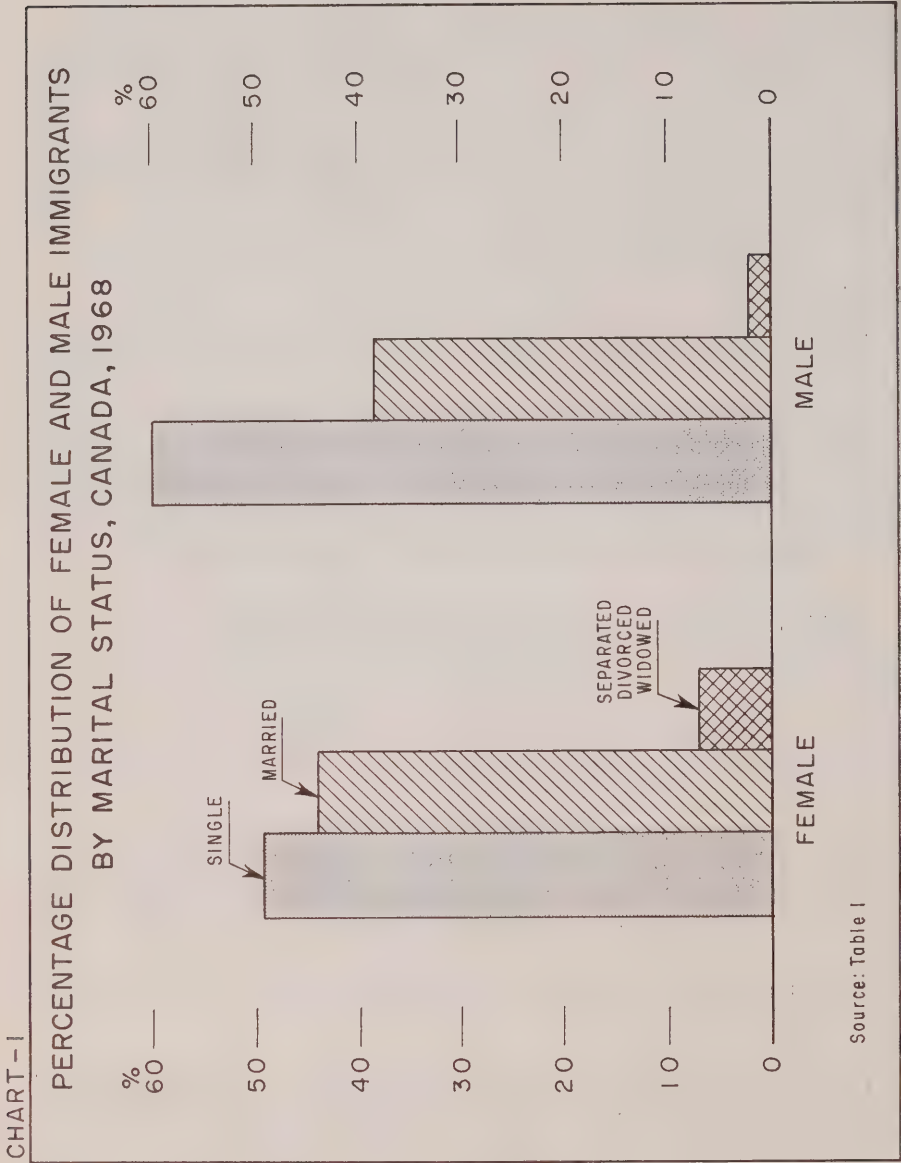
1. Immigration has always been an important factor in the development of Canada. Since Confederation, more than 9,500,000 people of various ages and origins have migrated to this country and a substantial number of them have been females. The latter made up almost one-half of the some three million immigrants admitted since World War II. Table 1 shows the number of immigrants by age, marital status and sex in a year when there was an approximately equal number of males and females.

Table 1. Age Group, Sex and Marital Status of Immigrants, 1968.

Age	Single		Married		Separated Divorced Widowed		Total	
	F	M	F	M	F	M	F	M
0-19.....	24,839	27,667	1,609	84	4	1	26,452	27,752
20-34.....	17,846	26,515	25,513	20,734	638	565	43,997	47,814
35-49.....	1,269	1,516	8,514	10,452	998	487	10,781	12,455
50+.....	502	181	3,982	4,488	4,757	813	9,241	5,482
Total.....	44,456	55,879	39,618	35,758	6,397	1,866	90,471	93,503

SOURCE: Based on Department of Manpower and Immigration. *1968 Immigration Statistics*. Ottawa, Queen's Printer, Table 5, p. 7.

2. There are several categories for the admission of immigrants and applicants must meet certain standards set out in the Immigration Regulations. Some immigrants are admitted as independent applicants who are expected to be able to establish themselves successfully. Others join relatives already in Canada who have sponsored them as dependants or nominated them with the expectation that they will be able to support themselves.



Independent applicants and nominated relatives may bring their immediate families with them. Although the number of women entering as independent applicants is growing, women have traditionally been admitted as dependants.

3. Nonetheless, many women immigrants plan to work and achieve some measure of economic independence. Immigrants are usually asked the occupations they intend to follow in Canada. Of the 115,158 male immigrants and 107,718 female immigrants entering the country in 1967, 82,680 males and 36,859 females said they planned to work.<sup>1</sup> Table 2 shows their work plans by occupation and sex. Of the 32,478 males not planning to work, 29,067 were children. Of the 70,859 females not planning to work, 37,894 were wives and 27,350 were children.

Table 2. Intended Occupations of Male and Female Immigrants Admitted to Canada, 1967

Occupational Group	Males	Females	
	Number	Number	Per cent of Occupational Group
Managerial.....	2,876	147	4.9
Professional and Technical.....	20,205	10,648	34.5
Clerical.....	4,237	12,372	74.5
Transportation and Communication.....	1,581	313	16.5
Commercial and Financial.....	2,388	970	28.9
Service and Recreation.....	4,287	6,429	60.0
Farming.....	3,134	69	2.2
Manufacturing and Mechanical.....	23,763	4,355	15.5
Others.....	20,209	1,556	7.1
Total.....	82,680	36,859	30.8

SOURCE: Based on Dominion Bureau of Statistics. *Canada Year Book 1969*. Ottawa, Queen's Printer, Table 9, pp. 212-214.

4. Table 2 gives only the plans of immigrants which may or may not materialize. A study<sup>2</sup> conducted by the Dominion Bureau of Statistics, however, showed that many immigrant women do work and probably in proportionately greater numbers than Canadian-born women. It was found that from 1956 to 1967 the participation rate of post-war immigrant women rose from 35.6 per cent to 40.2 per cent. During the same period the participation rate for Canadian-born women rose from 23.1 per cent to 31.5 per cent.

<sup>1</sup> Dominion Bureau of Statistics. *Canada Year Book 1969*. Ottawa, Queen's Printer, Table 9, pp. 212-214.

<sup>2</sup> Dominion Bureau of Statistics. *Special Labour Force Studies No. 6*. Cat. no. 71-510, Ottawa, 1968.

5. The federal Immigration Act and Regulations contain no provisions that differentiate between the sexes. They do, however, give some discretionary powers to the Immigration Service in its administration of the legislation. Any differential policies or practices can only develop through the exercise of these discretionary powers.

6. One such practice has been brought to our attention that may contribute to the fact that women usually enter the country as dependants. We have been informed that when a husband and wife both seek admission as independent applicants, it is a fairly common practice to consider only the husband's application, presumably on the assumption that his wife will enter the country as a member of his immediate family. If this is the case, we can only conclude that the Immigration Service holds the outmoded view that the husband is always the wage-earner and that a wife should be admitted only if her husband is able to establish himself and support her. Actually a wife will sometimes be better qualified than her husband to become successfully established and the couple should have the opportunity to come to Canada on the basis of her qualifications. Moreover, it is essential that the wife's right to be considered as an independent applicant be respected, and we believe that care should be taken to ensure that wives are aware of this right. **Therefore, we recommend that the Immigration Division of the federal Department of Manpower and Immigration review its policies and practices to ensure that the right of a wife to be an independent applicant for admission to Canada is always respected and that wives are made fully aware of this right.**

7. Although the legislation contains no provisions which suggest that a wife should be regarded as her husband's dependant, it does use a term which might be construed as recognizing this relationship in the family. In a number of clauses, reference is made to the "head of a family". Section 2 (h) of the Act defines head of a family as a "person in the family upon whom the other members are mainly dependent for support." Admittedly, the sex of the person is not specified but it is still all too common in Canadian society for the husband to be viewed as the family head. We believe the term is susceptible to misinterpretation and has a connotation that is incompatible with the concept of marriage as a partnership of two individuals with equal status. **Therefore, we recommend that the federal Immigration Act and Regulations be amended by the elimination of the term "head of a family" wherever it appears in the legislation and by the substitution of the exact meaning which is intended in each case.**



8. An assumption that a wife is a dependant of her husband can not only affect her status for admission into the country but can also have serious implications when she is in Canada and not yet a Canadian citizen. When a deportation order is made against the head of a family under section 37 (1) of the Act, all dependent members of the family may be included in the order and, subject to appeal, deported under it.

9. Women immigrants face problems other than those related to their admission to the country and their right to remain. All immigrants, whether female or male, have problems in adjusting to a new society. But women, especially non-working married women, have particular difficulty. Not only may they encounter discrimination against women, but they may also find themselves effectively isolated from the mainstream of Canadian life. In larger cities, where immigrants tend to live in close communities, Italian, Greek and Portuguese women, for example, are able to use the language of their homeland in their everyday life. But without English or French, they are isolated from the larger society which their husbands and children enter more easily.

10. Immigrant husbands adapt more readily to Canadian life because their need to find employment forces them to learn English or French and to make contact with other Canadians. Immigrant children are helped to adapt through attending school and often a gulf gradually develops between an immigrant mother and her increasingly "Canadianized" children. The social customs of some immigrant communities may not permit the housewife to leave home in the evening to attend the language classes and other courses which she badly needs.

11. A brief<sup>3</sup> presented to the Commission sums up the problem very well: "Having little to say in the discussions prior to their coming to Canada, the wives are frequently quite ignorant of the difficulties they will have to encounter in adapting themselves. Often, they speak neither English nor French and, being unable to relate to their environment, they become prey to a psychological solitude which not only crushes their spirit but is also harmful for husband and children . . . In short, women immigrants would be far better off on arrival in Canada if the government took family and social factors, and the fact that they are women, into consideration, along with the economic factors which must of necessity govern immigration policies."

12. Elsewhere in this report we have made recommendations that should help to solve some of these problems. The introduction of training and language programmes for immigrant women and the establishment of Citizens'

<sup>3</sup> Brief No. 275.

Information Centres that we have recommended in the Chapter on education, for example, should be of particular value in integrating immigrant women into Canadian society.

### Canadian Citizenship

13. Canadian citizenship is acquired as a matter of right, such as in the case of a person born in Canada or a child born outside Canada of Canadian parents. It may be obtained, upon application, as a privilege granted at the discretion of the Secretary of State. In neither case does the sex of a person have a bearing on whether or not that person will acquire Canadian citizenship or lose it.

14. This has not always been the case. Before the Canadian Citizenship Act became law on January 1, 1947, Canadian nationality legislation did not provide for Canadian citizenship status. Persons identified as Canadians were British subjects by birth or by naturalization. Under the terms of the Canadian Naturalization Act in effect immediately prior to January 1, 1947, a woman's status as a British subject could change by marriage while a man's status did not. For example, a woman who was an alien automatically became a British subject when she married a British subject or she became a British subject on her application after her alien husband became naturalized. On marriage to an alien, a woman who was a British subject became an alien if, by her marriage, she automatically acquired the nationality of her alien husband. On the other hand, a man who was an alien did not become a British subject through marriage to a woman who was a British subject nor did a male British subject become an alien through marriage to an alien.

15. The Canadian Citizenship Act does, however, contain remnants of the former discriminatory treatment. Canadian women who became aliens because they married aliens before 1947, do not automatically regain their Canadian nationality. If they wish to become Canadian citizens, under section 10 (3) of the Act they must make application to the Secretary of State who may, by discretion, grant them a certificate of citizenship. The woman must complete a form, pay a fee, have the form attested and, if her application is accepted, take the oath of allegiance.

16. Many women in this category, aware that Canadian women may now marry aliens and remain Canadians, are under the impression that they have gained their citizenship automatically. As a result they encounter difficulties when they apply for passports or when their right to vote and receive certain pensions is questioned. In Great Britain, when a similar change was made in citizenship legislation, women who had formerly married

aliens and lost their citizenship were considered to have retained it. We believe this practice should be followed in Canada. It is inequitable to penalize a woman because she married before the adoption of a more enlightened view of the rights of women as individuals. Therefore, **we recommend that the Canadian Citizenship Act be amended to provide for the automatic resumption of Canadian citizenship by women who lost it because they married aliens before January 1, 1947.**

17. Although women now acquire Canadian citizenship in the same way as men, there are a number of situations under the Canadian Citizenship Act in which a woman's citizenship is less meaningful than a man's.

18. One such situation arises when a Canadian citizen and an alien marry. Normally an alien must have resided in Canada for five years before he may become a Canadian citizen. Under section 10 (1) of the Act, however, an alien wife of a Canadian citizen may be granted citizenship when she has resided in Canada for only one year. No such preferential treatment, on the other hand, is accorded an alien husband of a Canadian wife. The alien husband, like other immigrants, must be a resident of Canada for five years before he can become a Canadian citizen. This differential treatment is inequitable on two counts. Firstly, it discriminates against aliens on the basis of sex. Secondly, it also discriminates on the basis of sex against Canadian spouses since, in the case of a Canadian wife, the fact of her citizenship has no bearing on the residence requirements of her husband. Therefore, **we recommend that the Canadian Citizenship Act be amended so that there is no difference between the residence requirements for the acquisition of Canadian citizenship by an alien husband and an alien wife of a Canadian citizen.**

19. Another situation arises in relation to the citizenship of children. Children born in Canada are automatically natural-born Canadians. But the Canadian citizenship of the mother is less meaningful to the citizenship status of a child born outside Canada than is the Canadian citizenship of the father. Under the terms of sections 4 and 5 of the Act, a child born outside Canada of a Canadian father is a natural-born Canadian regardless of the citizenship status of the mother. A child born outside Canada of a Canadian mother and an alien father, on the other hand, is not a natural-born Canadian unless the mother is unmarried. In all cases, of course, certain administrative requirements must be met for the natural-born child to retain his citizenship.

20. We believe Canadian women and men should have the same right to confer Canadian citizenship on their children. Many countries, for example, The Republic of Ireland, The United States and France, provide for this.

**Therefore, we recommend that sections 4 and 5 of the Canadian Citizenship Act be amended to provide that a child born outside Canada is a natural-born Canadian if either of his parents is a Canadian citizen.**

21. The greater importance attached to the citizenship of the father does not recognize the equal status of the citizenship of the mother. There are two other areas covered by the legislation in which the failure to recognize this concept is apparent. Both of these have to do with the citizenship of children.

22. The first deals with a child born outside Canada who has not acquired citizenship as a matter of right because, for example, neither of his parents was a Canadian citizen at the time of his birth. Pursuant to section 10 (5) of the Act, if he is a minor child of a naturalized Canadian, he may be granted Canadian citizenship on application by the responsible parent. The differential treatment on the basis of sex results from the definition of the responsible parent. Section 2 (n) of the Act states that "responsible parent" means the father, but where the father is dead or where the custody of the child has been awarded to the mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, "responsible parent" means the mother. We believe that parents should be regarded as equally responsible for the child and that therefore the wife should also be able to apply for the child's citizenship. Therefore, **we recommend that the Canadian Citizenship Act be amended so that either citizen-parent may apply for the naturalized citizenship of a minor child.**

23. The second situation deals with the application for citizenship on behalf of an adopted child lawfully admitted to Canada for permanent residence. If it is a joint adoption, under the terms of section 11 (2) of the Act, Canadian citizenship will be granted only if the male adopter is a Canadian. We believe Canadian citizenship should be granted the child if either of the adopters is a Canadian citizen. Therefore, **we recommend that section 11 (2) of the Canadian Citizenship Act be amended so that, in the case of joint adoption, the child may be granted Canadian citizenship if either of the adopting parents is a Canadian citizen.**



# Criminal Law and Women Offenders

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."  
*The Universal Declaration of Human Rights, Article 7.*

1. The criminal law in Canada is built upon a nineteenth century philosophy of the role of punishment in the control of anti-social behaviour. Behaviour that was considered a threat to society in the nineteenth century and accordingly subjected to the criminal law and its sanctions is not necessarily, in the mid-twentieth century, the kind of behaviour that should be subject to criminal sanctions. Canadian criminal law also reflects a nineteenth century view of the status of women. Women who encounter the criminal law, the administration of criminal justice or ultimately correctional institutions, are treated in accordance with a traditional concept of a woman's role that is no longer necessarily appropriate in the 1970's.

2. Canadian citizens have not been equal before the law or been treated equally in its application. The inequality of rich and poor is a flaw that runs through the fabric of the Canadian system of criminal justice. Here we are specifically concerned with inequalities that discriminate against women, whether their source is historical, social or simply administrative convenience.

3. In this Chapter we examine the position and treatment of women within the criminal justice and correctional systems under the following headings: (1) women as criminal offenders, (2) women under the Criminal Code, (3) the treatment of women within the administration of criminal justice.

## Women as Criminal Offenders

### Statistics

4. The available statistical information on crimes committed by females is incomplete. Many offences go undetected and others are not prosecuted by police and other authorities because of the nature of the offence and the sex

of the offender. Furthermore it is difficult to determine the number of individuals involved in crime because many of the statistics report convictions, not individuals, and the same individual may appear more than once in the statistics. However, statistics do show that the number of female offenders is small compared with the number of male offenders.

5. The Criminal Code makes a distinction between offences punishable on summary conviction and indictable offences.<sup>1</sup> For offences punishable on summary conviction the sex ratio remained fairly constant from 1950 to 1966: about one woman convicted to every 15 men. Women offenders represented only 12.5 per cent of all persons convicted of indictable offences in Canada in 1967, a ratio of female to male offenders of approximately one to every seven. In recent years, crime rates of females have risen while male rates have remained fairly constant. The slight increase in total indictable offences since 1950 has been caused mainly by increased criminal activity by young people and by women of all ages.

6. Women are rarely convicted of violent offences. The rise in crime by women is related primarily to non-violent property offences such as petty theft, fraud, false pretences and forgery. In 1967, theft accounted for 80 per cent of the rise in the female crime rate and now shows a ratio of one woman to every three men compared to a former ratio of one to eight in 1962. Crimes connected with prostitution and keeping a bawdy house are committed primarily by women. Women are also those generally charged with abortion or attempted abortion, infanticide, concealing the body of a child and child neglect. The total number of crimes related to the female child-bearing function was 29, less than one per cent of the total number of crimes committed in 1967.

7. Women are increasingly convicted of "crimes without victims". These are offences where, if any harm is caused, it is to the offender herself and not directly to others. Convictions for possession of drugs, for vagrancy and attempted suicide seem to involve a higher proportion of women than other offences that are committed by women. The female/male ratio of convictions under the Narcotics Control Act varies annually between one to two and one to four: in 1967 there were 190 female compared to 730 male convictions under this Act. Public intoxication, a summary offence, in 1967 involved 13,410 convictions for women as compared to 134,206 for men, a female/male ratio of one to 10. For the same year there were 3,209 female and 21,394 male convictions for disorderly conduct and vagrancy, a sex ratio of one to seven; while for attempted suicide the numbers were 141 females and

<sup>1</sup> A serious offence deemed to jeopardize the social order, such as rape, murder or theft, as contrasted with offences considered less serious and punishable on summary conviction, such as vagrancy, or disorderly conduct.

299 males, a ratio of one to two. The type of offences common to women has implications for the type of treatment that is most likely to facilitate their rehabilitation and their successful reintegration into society.

8. Offences by female juveniles usually involve behaviour associated with disorderly conduct, incorrigibility and immorality, as the term is used in section 2 (1) (h) of the Juvenile Delinquents Act, and not the violent behaviour often found among male juvenile offenders.

### *Characteristics of the Female Offender*

9. Present statistical data give a breakdown by age, sex, and residence of offenders. Table 1 shows the percentage distribution of persons convicted of indictable offences by age group and sex for 1967.

Table 1. Percentage Distribution of those Persons Convicted of Indictable Offences, by Age Group, and Sex, Canada, 1967.

Age Group	Female	(Number of convictions)	Male	(Number of convictions)
16-19.....	20.6%	(1,206)	33.7%	(13,477)
20-24.....	17.3	(994)	21.9	(8,740)
25-29.....	11.4	(648)	11.0	(4,388)
30-34.....	8.7	(510)	7.2	(2,850)
35-39.....	7.4	(429)	5.7	(2,283)
40-44.....	6.2	(364)	4.3	(1,682)
45-49.....	4.1	(244)	2.9	(1,184)
50-59.....	5.9	(345)	3.3	(1,277)
60 and over.....	2.6	(154)	1.3	(534)
Age not stated.....	15.8	(922)	8.7	(3,472)
TOTAL.....	100.0	5,816	100.0	39,887

SOURCE: Dominion Bureau of Statistics. *Statistics of Criminal and Other Offences*. Cat. no. 85-201, Ottawa, Queen's Printer, 1967, Table 5, p. 42.

10. In the interest of conformity, the Dominion Bureau of Statistics uses 16 as the age dividing the adult from the juvenile, although the provinces use various age definitions. The Juvenile Delinquents Act defines a juvenile as any child, boy or girl, apparently under 16 years of age or such age between 16 and 18 as may be directed in any province. For example, in Quebec, Manitoba and British Columbia, it is 18; in Alberta it is 16 for

boys and 18 for girls. We believe that there should be no age differentiation on the basis of sex, so that males would have the advantage of the juvenile courts to the same extent as females.

11. Another important characteristic of the offender is the place of residence. Statistics show that crime is more prevalent in cities than in rural areas. Female crime may be even more an urban phenomenon than male crime. The urban/rural ratio in 1967 was nine to one for female offenders and five to one for male offenders.

12. Unfortunately, statistics are not broken down by sex for other socio-economic characteristics of offenders, such as their marital status, occupation and education. In 1967, the occupation of 1,973 of the women convicted of indictable offences was described as housewife. This would indicate that about 34 per cent of the women did not have outside employment.

### *The Criminal Behaviour of Women*

13. As we have mentioned earlier, women commit far fewer crimes than men, and these crimes are usually non-violent and often without a direct victim.

14. Many explanations have been advanced to account for the comparatively lower crime rate of women. The different social positions and social expectations of the sexes may be two of the reasons for the ratio. As has been pointed out by the Canadian Committee on Corrections: "Differences between women offenders and men offenders can hardly be discussed adequately without relating them to differences in male and female roles in society generally. The lower incidence of crime involving violence may, to some degree, represent constitutional differences between male and female in terms of physical strength, but appears likely to be still more closely related to difference in social roles and expectations."<sup>2</sup>

15. Although the ratio of male to female offenders for indictable offences fluctuated between 13 to one and 17 to one in the 1950's, it decreased to seven to one in the 1960's. This increase in the number of offences by women indicates that the distinctions by reason of sex may be undergoing some significant change. As a woman's traditional activities in society change and diversify she has many more opportunities to break the law. Social control in particular seems to have been weakened by the strains of modern living. The urban/rural ratio for crimes by females may support this theory. Women are committing a greater variety of crimes than they have in the past: they are also being dealt with in a special way by the criminal law itself.

<sup>2</sup> Canadian Committee on Corrections. *Report. Toward Unity, Criminal Justice and Corrections.* (Oimet Report), Ottawa, Queen's Printer, 1969, p. 391.



## Women Under The Criminal Code

### *Equality Under The Law*

16. Generally speaking women and men are held equally responsible for a breach of the Criminal Law and both are liable to prosecution, conviction and penalty. Under the Criminal Code, however, their criminal responsibility may in certain instances differ according to sex, marital status or age. In a few instances, an act may be considered a crime if it is committed by a man and not a crime if it is committed by a woman. The reverse is also true.

17. The Criminal Code usually refers to "every one." For example, murder is a crime whether committed by a man or a woman, and both are liable to a similar sentence if found guilty. In certain cases, however, the law itself applies differently to the two sexes. Some of these differences are based upon what were once considered biological aspects of human behaviour; others perhaps rest more on outdated attitudes than on sex-linked legal grounds.

18. In this Chapter, we review some of the provisions of the Criminal Code which deal with vagrancy, sexual offences and the special relationship created by marriage. Abortion is discussed in the Chapter on the family.

### *Criminal Sexual Behaviour of Women*

19. Women involved in criminal sexual behaviour have traditionally been seen as either victims of men's assaults or sexual exploiters of men for material gain. These traditional views are clearly apparent in the Criminal Code.

20. Problems raised by the law dealing with prostitutes deserve special attention. Prostitution itself is not a crime, and prostitutes are controlled by the vagrancy provisions of the Criminal Code. As the law now stands, prostitutes apprehended by the police are usually charged with having contravened section 164(1)(c) of the Criminal Code: "Every one commits vagrancy who, being a common prostitute or night-walker is found in a public place and does not, when required, give a good account of herself". This provision of the Criminal Code applies only to women.<sup>3</sup> While the existence of male prostitutes is now recognized, many people still apply the term only to a female. Even the Oxford Dictionary defines a prostitute as "a woman who . . . ." Thus the present law prohibits not prostitution but being unable, if found in a public place, to give a good account of oneself. Prostitutes are ordinarily charged with vagrancy, not prostitution, and men who accept the solicitation

<sup>3</sup> The French language version of the Criminal Code uses the expression "*filles publiques ou coureuses de nuit*" which leaves no doubt that it concerns women only.

of a prostitute are not prosecuted. A man commits an offence under the law only if he is found in or keeps a bawdy-house; as a rule, the prostitute, not the client, is brought before Court.

21. Section 164(1)(c) of the Code does not respect the liberty of the individual to move about in freedom. Furthermore it opens the door to arbitrary application of the law by the police and it favours setting up traps, sometimes using police officers as *agents provocateurs* to arrest so-called prostitutes. These methods were strongly condemned by the Commission on the Administration of Justice in the Province of Quebec (Prévost Commission), the Wolfenden Report in Great Britain, and the United Nations Economic and Social Council in a study on prostitution.

22. Under Canada's criminal system, prostitutes are charged not for what they do but for what they are considered to be. "Once a prostitute, always a prostitute" appears to be the rationale of the law. This places the woman under the potential control of the police even when she has ceased to be a prostitute, and therefore makes successful rehabilitation more difficult.

23. The legislation is not really effective in carrying out its purpose which is, according to a Court decision, "to prevent the male public from being solicited on the streets or other public places by prostitutes but not to prohibit prostitution".<sup>4</sup> The law is aimed at preventing prostitutes from using methods of operation that offend the public.

24. Many prostitutes, lacking money to pay a lawyer or the knowledge required to defend themselves, plead guilty in the hope of receiving a light sentence. When the accused is not counselled and no witnesses are available, the procedure is often reduced to a question of veracity between the accused and a police officer. If the accused is convicted, she can be fined or sentenced to a term in jail or both.

25. When authorities, pressed by the public, have tried to clear the streets of prostitutes, women have often turned to operating through intermediaries. A recent study of prostitution in Montreal<sup>5</sup> shows that, since 1960, arrests for procuring have increased while arrests for loitering and vagrancy have decreased. This suggests that many prostitutes who have been driven from city streets are now operating as "call girls".

26. In the words of the Wolfenden Report, prostitution "... has persisted in many civilizations through many centuries and the failure of attempts to stamp it out by repressive legislation shows that it cannot be eradicated

<sup>4</sup> Regina v. Dubois (1953). *Canadian Criminal Cases*. Vol. 106, p. 150.

<sup>5</sup> Limoges, Thérèse. *La Prostitution à Montréal*. Montreal, Editions de l'Homme, 1967.

through the agency of criminal law".<sup>6</sup> The Prevost Commission indicated that the public did not favour the punishment of prostitutes even though it considered prostitution morally wrong. Briefs presented to the Commission pointed out that prostitution is fundamentally a social, not a criminal, problem. We concur in this. To fine a woman \$500 or send her to prison for six months does not necessarily prevent her from returning to her former way of earning her living. On the contrary, it adds the stigma of a criminal record which may make her rehabilitation more difficult.

27. We are concerned about the use of vagrancy in the criminal law in order to regulate the activity of women prostitutes. Therefore, **we recommend that section 164(1) (c) of the Criminal Code be repealed.**

28. If there is evidence that prostitutes, male or female, are disturbing the peace, as defined by the Criminal Code, they should be prosecuted in the same way as any other person found disturbing the peace.

29. Any proposed modification of the law must be followed up with facilities and programmes designed to rehabilitate adult female prostitutes. These women should be protected from the influence of their former surroundings by being given help in finding a different environment and a new way of thinking about themselves and their lives. An important step in this direction is the establishment of half-way houses which we recommend later in this Chapter. Since the socio-economic situation of most prostitutes is a major factor of their way of life, they also need training for work that will enhance their dignity as individuals.

30. Section 164(1) (a) of the Criminal Code<sup>7</sup> also adversely affects women. This provision is directed at the homeless and transient, both male and female, who have no apparent means of support and cannot justify their presence in the place in which they are found. Even though they have committed no offence, many young girls are arrested and charged with vagrancy, simply because they do not have homes or money or because there is no place to send them for the night. It is relatively easy for homeless men to find shelter in hostels in most large cities but there are few hostels for women. We have made a recommendation regarding this need in the Chapter on poverty.

31. Most charges of vagrancy are not contested and, once convicted, these girls will have a criminal record. They may also have their first encounter

<sup>6</sup> *Report of the Committee on Homosexual Offences and Prostitution*, (Wolfenden Report). London, Her Majesty's Stationery Office, 1957, p. 79.

<sup>7</sup> "Everyone commits vagrancy who not having any apparent means of support is found wandering abroad or trespassing and does not, when required, justify his presence in the place where he is found."

with criminals while they wait in prison for their court appearance. The Commission considers section 164(1) (a) of the Criminal Code unsound in its treatment of vagrants because we hold that vagrants are not criminals.

32. Therefore, we recommend that section 164(1) (a) of the Criminal Code be repealed. The Ouimet Report suggested that Canadian society should be "developing alternate social resources for women, particularly for young women who are without lodging or visible means of support under health or welfare, rather than correctional, auspices".<sup>8</sup>

33. The criminal law differentiates between the criminal responsibility of men and of women not only for prostitution but for most of the sexual offences under the Criminal Code. Most of the provisions of the Code dealing with sexual offences were adopted at the end of the last century, when attitudes towards sexual behaviour were different from what they are today. In the eye of the law, women are seen as "victims" of men's sexual assaults. The wording of the provisions of the Criminal Code implies that women cannot be the authors of sexual offences other than incest, buggery, indecent assault on another female (but not on a man) and, since 1954, gross indecency. In law, women cannot sexually assault or seduce men, nor can they be charged with having sexual intercourse with a boy under a certain age.

34. On the assumption that men victimize women, the law protects women according to their age, their marital status and their moral character. We think that the law as it stands is unfair to men. Under the Criminal Code, no form of deception used by a woman in order to engage in sexual relations with a man is punishable. Should her persuasion become too violent, she could be convicted of common assault. In a similar situation, a man can be charged with rape, indecent assault on a female, seduction or sexual intercourse if the female is under age.

35. In sentencing, differentiation is again the rule. For instance, the indecent assault of a man on another man is punishable by a maximum of 10 years in prison and the lash; a woman convicted of an indecent assault on another woman is liable to a maximum of only five years' imprisonment. A man convicted of incest is subject to whipping; a female offender cannot be whipped and she may escape punishment altogether if the court is satisfied that she committed the offence while under restraint, duress or fear. By a further anomaly, the law provides that no male person shall be deemed to commit incest while he is under the age of 14, but does not mention females. According to the law, therefore, a girl under 14 could be convicted of incest. The Commission believes that these inconsistencies

<sup>8</sup> *Op. cit.* The Canadian Committee on Corrections. *Report*, p. 393.



should be eliminated in order to give equal, just treatment to both men and women. In particular, we believe that corporal punishment is cruel and degrading, its imposition contrary to Article 5 of the Universal Declaration of Human Rights,<sup>9</sup> and that, therefore, whipping should be abolished. In general, penalties should be equal for men and women convicted of the same offence and their imposition non-discriminatory.

36. The highly protective and often discriminatory character of legislation dealing with sexual offences is further expressed in the Criminal Code in the idea of "previously chaste character". In four sections of the Code,<sup>10</sup> the presumption of chaste character of a girl (up to 21 years of age) before the offence, forms one of the basic elements of the offence. The onus of proving that the girl was not of previously chaste character rests on the accused. This does not mean that the girl has to be *virgo intacta* but rather points "to those acts and that disposition of mind which constitute an unmarried woman's virtue or morals".<sup>11</sup>

37. It is unjust to define a crime on the basis of the moral character of the victim. A critic of this legislation has commented that: "... the difference between crime and innocence rests in these cases on no predictable foundation. Whether the man commits a crime depends essentially not on his intent or action but on the view which twelve of his fellow citizens will take of the moral stature of his companion. Her reputation, her physical purity, her conduct in the past, her conduct on the occasion do not determine, although they may influence, the matter."<sup>12</sup> Moreover, it encourages the accused male to manufacture evidence to establish the unchaste character of the victim, and forces her to defend her virtue before the Court. Whether or not she is chaste, every young girl should be entitled to the protection of the law.

38. Therefore, we recommend that the words "of previously chaste character" be deleted from all the sections of the Criminal Code.

39. Age raises problems because the criminal responsibility of the offender often depends on whether or not the victim was under age. For instance, sexual intercourse with a girl under the age of 14 is prohibited and is considered to be child abuse, punishable by imprisonment for life and the whip [section 138(1)]. A child under 14 cannot give a valid consent to sexual intercourse or indecent assault. For a man to be held criminally responsible for having sexual relations with a girl over 14 and under 16,

<sup>9</sup> "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

<sup>10</sup> Sections 138 (2), 143, 144 and 145 (1) (b) of the Criminal Code.

<sup>11</sup> *Rex v. Hauberg*. *Canadian Criminal Cases*. Vol. 24, p. 297.

<sup>12</sup> Wright, Peter. "Case and Comment". *Canadian Bar Review*. Vol. 26, 1948, p. 1117.

the girl has to be of previously chaste character, and the maximum penalty for the offence is five years in prison. Moreover, the accused man may be acquitted if the jury finds that he is not more to blame than the girl. [section 138(3)].

40. Age is also of primary importance in cases of seduction. According to the law, which holds that only men or boys can seduce women or girls, there is no offence if the boy is under 18 years or the girl over 18. A 17-year-old boy who seduces a girl over 16 but under 18 does not commit an offence; if he were 18 it would be considered an offence.

41. Although the law was not intended to prohibit sexual relations between two consenting persons, certain provisions have gradually been introduced to prevent the exploitation of young people and women. The law should clearly emphasize protection of everyone, particularly young people.

42. Therefore, we recommend that the Criminal Code be amended to extend protection from sexual abuse to all young people, male and female, and protection to everyone from sexual exploitation either by false representation, use of force, threat, or the abuse of authority. In making this recommendation, we realize there are special problems in the case of girls because of the risk of pregnancy.

43. In criminal law, women and men are generally held equally responsible although certain presumptions, based on the special relationship created by marriage, deny or limit the criminal responsibility of those concerned. Most of these exceptions may be traced back to the English Common Law. In common law, for example, married people cannot be convicted of conspiring with each other to commit a crime, or of stealing each other's property during marriage.<sup>13</sup> These common law rules still apply in Canada unless they are inconsistent with any Act of Parliament, such as section 18 of the Criminal Code which states that no presumption of marital coercion may exist because a married woman commits an offence in the presence of her husband. This means a wife must prove marital compulsion, which must be established as any other defence based on compulsion in criminal law.

44. Although section 18 rejects the presumption of marital coercion, it seems to apply in section 23(3) of the Criminal Code<sup>14</sup> which assumes that a wife is acting under compulsion from her husband when she helps any

<sup>13</sup> It is not clear whether these presumptions of non-responsibility rest on the theory of the singular identity attached to persons once married (theory of conjugal unity), or on the theory that the wife acted under the authority of or in obedience to her husband (theory of marital coercion).

<sup>14</sup> "No married woman whose husband has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting in his presence and by his authority any other person who has been a party to that offence, for the purpose of enabling her husband or that other person to escape." Section 23 (3) Criminal Code.

other person who has been a party to an offence with her husband. However, subsection (2) provides that no married person whose spouse has been a party to an offence is an accessory after the fact if he helps that spouse to escape. This provision recognizes the special relationship created by marriage and rejects the idea that any married person should be liable as an accessory after the fact if he helps a spouse to escape. It is difficult to understand why neither a husband nor a wife commits an offence when helping a spouse to escape, while a husband, and not a wife, commits an offence by helping his spouse's accomplice to escape.

45. Therefore, we recommend that subsection (3) of section 23 of the Criminal Code be amended to apply to both spouses.

## The Treatment of Women Within the Administration of Criminal Justice

### *The Correctional Process*

46. The smaller proportion of women offenders seems to have encouraged a different social attitude towards them. "It is not rare for law enforcement officers to see a complainant drop charges when he finds out the person who victimized him is a woman. The police official may himself be less than zealous to pursue investigation in a minor matter when a woman offender is involved . . . Should the case get to the prosecution attorney level, the same hesitation about applying the full force of the law against the woman is present."<sup>15</sup> The Canadian Committee on Corrections made a similar comment while stressing that there is evidence that some of these differences in treatment are changing. Although a woman is still less likely to be charged than a man, once she is charged, she seems just as likely to be convicted as he is. The kind of sentence received may differ for a variety of reasons. The law enforcement machinery seems sometimes to treat women more leniently than men for the same offence and sometimes more severely. Future research should provide valuable data on how this screening process functions and the criteria which influence police officers when they decide to arrest and prosecutors when they decide to prosecute women.<sup>16</sup>

47. Attitudes towards criminal offenders in general are undergoing profound changes which will help women greatly. The number of studies on the treatment of offenders is a sign of society's concern about present correctional methods and the administration of justice. One subject under review is the pre-trial detention of offenders, which is closely related to the ability of some

<sup>15</sup> Brief No. 398.

<sup>16</sup> Grosman, Brian A. *The Prosecutor, An Inquiry Into the Exercise of Discretion*. Toronto, University of Toronto Press, 1969.

offenders, male and female, to obtain bail. Women do not usually have independent financial resources. Present data on the bail system, however, do not distinguish between its effect on men and its effect on women; and suggest only that detention of an accused in custody pending his trial mitigates against his chances of acquittal.<sup>17</sup> Lack of money should not affect the conditions under which a person is granted freedom pending trial. The Canadian Corrections Committee considers "that it is self-evident from the standpoint of human rights that an accused should not be incarcerated pending trial unless it is required for the protection of the public." The injustice of detaining an accused who may be acquitted, or convicted but not sent to jail, affects women proportionately more often because they are not usually sentenced to jail since they are rarely involved in serious crimes.

48. New legislation proposed by the Minister of Justice would change present practices for both women and men. Meanwhile some police departments are successfully following the practice of releasing accused persons on their own recognizance. The release without bail of women offenders awaiting trial will help to compensate for the shortage of adequate pre-trial custodial facilities for women. For the few women who must remain in custody, the Salvation Army now has a limited number of remand homes to which the court can refer a woman awaiting trial. More such homes should be provided.

49. Therefore, **we recommend that the provincial and territorial governments either provide or contract with suitable voluntary associations to provide homes for women on remand.**

### *Correctional Treatment of Women*

50. The correctional process should respect the dignity of every person, male or female. The preservation of dignity involves the personal appearance of offenders, and each accused woman should be provided with proper clothing and the usual accessories. Briefs to the Commission reported repeated complaints to prison personnel by women inmates concerning treatment by male police officers during investigating procedures. Correctional literature also emphasizes this point. Policewomen should be used to search arrested women. Police administration statistics indicate that very few female police officers are now employed in Canada.

51. Therefore, **we recommend that the federal government, provinces, territories and municipalities, whenever possible, assign female instead of male police officers to deal with women taken into custody.**

<sup>17</sup> Friedland, M. L. *Detention Before Trial*. Toronto, University of Toronto Press, 1965, p. 202.



52. The nature of offences committed by women has a strong bearing on the kind of sentence they receive. The following figures<sup>18</sup> give a general picture of the distribution of sentences, according to sex, in cases of conviction for indictable offences in 1967:

	Female		Male	
Suspended sentence.....	2,187	(37.6%)	12,199	(30.6%)
Fine.....	2,716	(46.7)	9,920	(24.9)
Imprisonment				
under 24 months.....	837	(14.4)	15,085	(37.8)
24 months and over.....	76	(1.3)	2,676	(6.7)
Death.....	—	—	7	—
All sentences.....	5,816	(100)	39,887	(100)

These figures could indicate that judges take a more lenient attitude towards women. They may in fact show some reluctance to incarcerate a mother of small children, although the sentence is normally related to the offence. Without further data we cannot tell whether men are discriminated against, compared to women, in the kind of sentence they receive. No case is quite identical with another but data on sentences given by sex for each specific offence would provide a better indication of court practices.

53. Criminal justice should deal effectively and helpfully with the offender against the criminal law. Once a person has been convicted, all reasonable care must be taken to impose an appropriate sentence that will serve to rehabilitate the offender. The Commission believes that imprisonment should be used only to segregate dangerous criminals; for the casual offender, imprisonment should be resorted to only if other dispositions are not appropriate. This policy is especially relevant to women offenders who are generally in the category of the casual or harmless offender and are rarely dangerous or professionally criminal.

54. Present correctional policy implies appropriate appraisal of the offender and the way in which more subtle means than punishment can help his reintegration into the life of the community. Increased use of fines or suspended sentences with or without probation would make it necessary to develop an articulated sentencing policy as advocated by the Canadian Committee on

<sup>18</sup> Dominion Bureau of Statistics. *Statistics of Criminal and other Offences*. 1967, Cat. no. 85-201, Ottawa, Queen's Printer, 1969, Table 3, p. 37.

Corrections and the Prévoist Commission. Imposition of fines in lieu of imprisonment is based on the assumption that the accused has the financial means to discharge his debt. Time should be allowed for payment of fines. Suspended sentence with probation involves the release of an accused on a conditional basis. Probational services in Canada are under-staffed and yet use of probation for female offenders should be extended. Briefs have pointed out the special problems involved in providing supervision and counselling for women. Probation services should take into consideration the needs of each individual, and caseloads should be arranged accordingly.

**55. Therefore, we recommend that the provinces and territories ensure that when the administrative policy of their corrections programme is being determined, the differences in the counselling and supervisory needs of women and men probationers be considered, staff requirements be based on these needs and caseloads be adjusted accordingly.**

56. The small number of women in Canadian prisons is shown in Table 2 which includes all women admitted to institutions to serve sentences, await trial or on remand. No figures are available on the exact number of individual women incarcerated each year. The same women may be admitted to prison more than once during proceedings related to the same offence. In spite of the relatively few women convicted, or perhaps because of this, the major problem in the treatment of women offenders is the absence of adequate services. Application of the principle that imprisonment should only be used to segregate the offender dangerous to society will go a long way towards solving it.

57. All correctional authorities dealing with women are aware that they present few custodial problems in prison. This should make it possible to reduce security requirements in prisons for women. Moreover, as the Ouimet Report points out, "the fact that women are involved in a restricted number of offences has implications for treatment". For crimes without a direct victim (vagrancy, public intoxication, drug addiction, attempted suicide), the imprisonment of the offender is inappropriate. Such behaviour does not involve a direct threat to society and should be dealt with by the health and welfare authorities. We entirely endorse the position taken by the Canadian Committee on Corrections that no conduct should be defined as criminal unless it represents a serious threat to society and unless the act cannot be dealt with by other social or legal means. This principle would reduce the prison population and would bear directly on the elaboration of new services for people who commit offences without a direct victim. In 1967 there were about 3,000 female committals to jail for offences related to vagrancy, attempted suicide, public intoxication and drug addiction. The Commission

Table 2. Population Movement in and out of Canadian Prisons for Women, 1967-1968

Jurisdiction	Movement In During Year	Movement Out During Year	Population as of March 31, 1968
Newfoundland.....	41	41	4
Prince Edward Island.....	14	14	—
Nova Scotia.....	179	180	16
New Brunswick.....	215	219	19
Quebec.....	2,376	2,407	68
Ontario.....	4,851	4,841	214
Manitoba.....	1,016	1,017	43
Saskatchewan.....	564	572	20
Alberta.....	1,162	1,169	54
British Columbia.....	1,117	1,122	106
Yukon.....	399	398	5
Northwest Territories.....	212	212	7
Penitentiaries.....	74	79	108
Kingston.....	(46)	(53)	(74)
Matsqui.....	(28)	(26)	(34)
TOTALS.....	12,220	12,271	664

Figures in the third column indicate individuals. Figures in the first and second columns do not indicate individuals because the same individual may enter and leave more than once during the year.

SOURCE: Dominion Bureau of Statistics Judicial Division, and *Correctional Institution Statistics 1967-68*. Cat. no. 85-207, Ottawa, Queen's Printer.

believes that most offences without a direct victim should not be considered crimes. We have already recommended that vagrancy as such should not be considered a crime. Action on this recommendation would greatly reduce the jail population in prisons for women. Attempted suicide is a manifestation of serious emotional or mental disturbance and should be referred to mental health authorities. It should not be classed as an offence under criminal law. Intervention by the police is authorized under each province's mental health legislation, such as the Mental Health Act of Ontario, and this intervention is justified in the case of suicide because it involves the life of a human being. Police investigation may also be needed to check that attempted murder has not been disguised as attempted suicide.

58. Similar considerations prompt us to recommend that alcoholics be treated not as criminals but as people who need medical help. Although more men than women are convicted of intoxication in public, a proportionately greater percentage of women than men are sentenced to jail for this

offence and these women form a sizeable portion of the female jail population. Public intoxication usually falls under provincial or municipal legislation. One exception which occurs in the Indian Act has recently been declared a violation of the Canadian Bill of Rights by the Supreme Court of Canada.<sup>19</sup> Imprisonment for intoxication, as in the case of vagrancy, often means that a person is sent to jail again and again for periods of two or three months, without any significant improvement: a "revolving door" process.

59. Among women serving jail sentences for liquor offences there is a high proportion of Indians and *Métis*, particularly in western Ontario and the Prairie provinces. As the Canadian Corrections Association pointed out in its survey, *Indians and The Law*, "one sample taken by the field-worker at the Prince Albert Provincial Correctional Institution for Women during the month of August 1966 showed that of the 60 women of Indian ancestry who were serving sentences, 17 were first offenders, 23 had been there between two and 11 times, 16 had been there between 11 and 18 times and

Table 3. Number of Indian and *Métis* Women in Selected Prisons for Women in Canada for Certain Periods in 1965 or 1966

Institution	Period	Total Admitted*	Total in Detention**	Indian or <i>Métis</i> ***	Per cent Indian or <i>Métis</i>
Kenora District Jail, Ont.....	Jan.— June/66	281		266	95
The Pas Correctional Institution for Women, Manitoba	August/66		17	17	100
Portage La Prairie Correctional Institution for Women, Manitoba.....	August/66		63	44	69
Riverside Correctional Centre, Sask.....	August/66	30		24	80
Fort Saskatchewan Provincial Gaol (Women's Section), Alberta.....	August/66	109		81	74
Oakalla Prison Farm (Women's Gaol), B.C.....	April/66	76		35	46

\* Number of cases, not individuals, admitted during period of time indicated.

\*\* Number of individuals in jail at the time of the collection of data.

\*\*\* Number of Indian or *Métis* cases, not individuals.

SOURCE: Canadian Corrections Association. *Indians and The Law*. Ottawa, Canadian Welfare Council, 1967.

<sup>19</sup> Regina v. Joseph Drybones. A judgment of the Supreme Court of Canada pronounced on November 20, 1969 to be reported in the 1970 *Supreme Court Reports*.



four had been there 37 to 42 times".<sup>20</sup> Most of these women are clearly not being rehabilitated by jail sentences, and should get more appropriate help from other agencies.

60. Some provinces are now using new methods of dealing with alcoholics: instead of being charged they may be released after they are sober, sent for treatment to appropriate institutions or informed about Alcoholics Anonymous. These enlightened methods should be supported by preventive programmes undertaken in schools at all levels, by alcoholism foundations and community organizations.

61. Alcoholism is still a major unresolved social and medical problem. The number of women addicted to alcohol seems to be increasing. The solution to the problem is the prevention of addiction and the treatment of the addicted.

62. Therefore, we recommend that the provinces and territories (a) develop a health and social welfare policy that would remove from the penal setting the handling of persons found apparently intoxicated and assign the responsibility for diagnosis and treatment to health and welfare administration; (b) ensure that there are treatment facilities for female alcoholics; and (c) in co-operation with health and welfare authorities establish treatment programmes, where they do not now exist, for female alcoholics being now detained in a penal setting for criminal offences.

63. We support a similar approach toward drug addiction. We assume that the special committee<sup>21</sup> appointed to investigate the non-medical use of drugs has given attention to the needs of women.

64. The introduction of new sentencing and probation policies and the removal of certain types of offences from the Criminal Code will appreciably reduce the jail population. Nevertheless, some women will have to be dealt with in detention either in federal penitentiaries, if they are sentenced for two years and over, or in provincial prisons for shorter sentences. The Penitentiary Act makes no distinction in the treatment of male or female offenders. However, the federal Prisons and Reformatories Act, dealing with provincial institutions, contains discriminatory provisions and requires immediate revision.

65. The Canadian Congress of Corrections held in Halifax in 1967 expressed concern about discriminatory practices under the Act in the

<sup>20</sup> Canadian Corrections Association. *Indians and The Law*. Ottawa, Canadian Welfare Council, 1967, p. 47.

<sup>21</sup> The Commission of Inquiry on the Non-Medical Use of Drugs, appointed by the Minister of National Health and Welfare; a preliminary report was tabled in Parliament on June 9, 1970.

serving of sentences by female offenders in certain provinces. The law's use of the word "refuge" to designate a correctional institution for girls and "industrial school" for a similar institution for boys is indicative of the outdated spirit of this legislation: protection for girls and instruction for boys. Many provisions of the Act discriminate on the basis of sex in determining the minimum age for sentences, the type of imputable offence, and the length of sentence. In some provinces, a woman's religion determines the type of institution to which she may be sentenced.

**66. Therefore, we recommend that the federal Prisons and Reformatories Act be revised to eliminate all provisions that discriminate on the basis of sex or religion.**

67. In recent years, commissions and committees have made recommendations either in favour of or against the continuation of the division of jurisdictional responsibility for correctional institutions by which all offenders sentenced to prison for a period of less than two years are under provincial jurisdiction while the federal government is responsible for those who are sentenced to two years or longer. Briefs presented to us questioned this division. We are mainly concerned with the welfare of women offenders in detention, and we hope that immediate solutions will be adopted to better their situation without further delay attributed to probable transfer of jurisdiction.

68. Our main concern is that, however small the female jail population, adequate treatment programmes and services should be organized for women. We recognize the difficulty of planning for a small number of inmates but we think correctional authorities should regard the size of the female inmate population as an asset rather than a liability. Most planning seems geared to male inmates and adapted for female inmates. We suggest that the smaller female jail population provides an opportunity to implement new methods of correction. Where there are very few women, as in federal prisons and prisons in the Atlantic Provinces, authorities might provide small cottage-type institutions for women inmates. An arrangement between federal, provincial and territorial governments could be worked out to combine suitable facilities for prisoners under both jurisdictions. At present women in federal custody are sent either to a large maximum security prison in Kingston, Ontario, or to a small drug treatment centre at Matsqui, B.C. This creates undue hardship for prisoners so far from home that family and friends cannot visit them. The federal government should contract services with the appropriate provincial government to accommodate nearer their homes those women who come from outside Ontario or British Columbia. We can, in any

case, see no reason why women, who are little given to violence, should be incarcerated in the maximum security prison at Kingston at a time when the trend of penal reform is toward small, open institutions.

69. Programmes and services for women in the correctional institutions in Canada are very limited. In the prison for women at Kingston, for an average population of 100 women, the only vocational courses available as of March 1968, were commercial, home economics and hairdressing,<sup>22</sup> which lead only to jobs traditionally considered "female occupations". Classes in basic academic subjects are also organized. Women inmates spend the rest of their time working in the maintenance or industrial operation of the prison. In contrast, men in all federal prisons at the same time were offered 64 full-time courses providing training in 29 trades or occupations. The fact that men greatly outnumbered women in federal penitentiaries only partly explains the difference in the variety of courses offered.

70. The federal prisons have a greater opportunity to provide vocational training for women than most provincial prisons where the turnover of inmates is more rapid because the terms of imprisonment are always under two years and usually under six months. Vocational courses available in provincial institutions for women include the following: hairdressing, home nursing, commercial laundry and dry cleaning, business course, cooking and kitchen management, industrial sewing or power sewing. Some of these courses are closer to "on the job" training than real vocational training. Most provinces are reorganizing their programmes for women but the vocational courses offered to women compare unfavourably with those offered to men.

71. It is essential that an offender be given the opportunity for further education or to learn a trade in order to be successfully rehabilitated and re-integrated into society. Female offenders have the same need as men for adequate education and training, and should be encouraged to continue their education, to qualify for training where necessary, and to train in fields geared to the labour market and not only in traditionally female occupations.

72. Therefore, we recommend that the federal, provincial and territorial governments co-operate in order to provide flexible and imaginative programmes aimed at the rehabilitation of women offenders which would include (a) a system that provides appropriate living quarters, small "open" institutions where life follows a normal pattern rather than institutional living and is integrated as much as possible with the life of the neighbouring community; (b) programmes and services, such as education and

<sup>22</sup> Annual Report of the Commissioner of Penitentiaries for the Fiscal Year ended March 31, 1968.

vocational training, adapted to the needs of individual female offenders and taking full advantage of the resources of that district; and (c) personnel specially trained in dealing with female offenders.

73. Further, we recommend that the federal Women's Prison at Kingston be closed.

### *Release and After-Care*

74. Everyone serving a prison sentence is entitled to a statutory reduction of his sentence. He may also be released on parole before the expiration of his sentence. Under parole, an inmate has a chance to complete his sentence outside prison, thus helping him to re-integrate into the community. We found no differences in the application of the law regarding parole for men and women.

75. Parole services for people of Indian and Eskimo ancestry call for special mention. A survey<sup>23</sup> prepared for the Department of Indian Affairs and Northern Development by the Canadian Corrections Association emphasized that native people could make use of a parole programme only when it was fitted to their general needs.

76. Therefore, we recommend that the National Parole Board make use whenever possible of members of band councils and government personnel, to provide parole supervision especially in rural and remote areas, for women of Indian and Eskimo ancestry.

77. Before being discharged, an inmate may be released on day-parole to participate in a work release programme to work or study outside the prison during the day and sleep in the institution at night. Day-parole has been introduced by federal and provincial authorities but has not yet been fully evaluated. In some cases, arrangements are made in a private household to accommodate offenders if there is no institution near their place of work. These programmes permit women to look after their families, study, or take a job, while serving their sentence. By using the resources available in the community, such programmes can go a long way toward solving the problem of good rehabilitation programmes for women in institutions.

78. On discharge, most offenders find it difficult to become re-integrated into the community. Although the re-organization of correctional services may keep them in touch with the community and reduce the stress of the return to society, further help will always be needed. In major cities across

<sup>23</sup> *Op. cit.* *Indians and The Law*, p. 50.



Canada, there are now a number of halfway houses where people newly released on parole or discharged from correctional institutions can stay until they have found work and become adjusted to life "outside". These houses, which fill a great need, are run by organizations such as the Elizabeth Fry Society. More of them are needed.

79. Therefore, we recommend that a network of halfway houses for women newly released from correctional institutions be set up in centres across Canada, supported by public and private funds and operated by voluntary groups and agencies, in accordance with approved government standards.

80. Friendship centres are doing a great deal to help rehabilitate offenders of Indian ancestry. One of their greatest values is that they are often run by the native people themselves. We make a recommendation in regard to friendship centres in the Chapter on poverty.

## Conclusion

81. We have pointed out that certain laws, practices and correctional programmes should be changed if women are to be treated equally before the law, and if women offenders are to be given a genuine opportunity for rehabilitation. New legislation alone will not offer a complete solution to the problem of the status of women within the administration of criminal justice. Much depends on the people responsible for administering it. High standards in selecting and training these people will help to prevent the perpetuation of the traditional attitudes towards women and their treatment within the system.



1. In the course of our enquiry, the Commission has been made aware of the many immediate changes which should be made in existing laws and practices, to "ensure for women equal opportunities with men in all aspects of Canadian society." We have put forward recommendations concerning these immediate needs. We were also made aware of the social attitudes which cannot be so readily changed. We cannot ignore the larger issues of customs and beliefs which have given rise to discrimination against women in the past, which continue today, and which may impose new forms of injustice in the future. To implement the recommendations in this Report is only a beginning.

2. We conclude that three lines of action are needed. Within an immediate period we hope to see the implementation of our recommendations, which we believe will do much to improve the lives and opportunities of Canadian women. This will be the task of implementation committees working within a limited term. But in our rapidly changing society, new needs will arise. Action that is appropriate today may become obsolete; new approaches may be needed. Moreover there is a need to keep a continuing watch in order that women's rights and freedoms are respected. We propose two other agencies which would be continuing, with a mandate which would develop in accordance with future demands. One would be concerned with the enforcement of existing laws, which protect the rights of women, to ensure that no discrimination occurs in fact or in interpretation of the law. The other would continue the work of this Commission and would be constituted as the principal agency to create a favourable climate for equality of opportunity for the women of Canada. The three agencies would perform distinct and separate functions.

#### **Implementation Committees**

3. Most of our recommendations have been made to federal, provincial and territorial governments: they are extensive, and require formal machinery within these governments to co-ordinate and plan their implementation.

We would not, however, regard the machinery as other than temporary. Therefore, we recommend that the federal government, the provinces, the territories and municipalities, each establish an implementation committee, composed of a number of its senior administrators, to (a) plan for, coordinate and expedite the implementation of the recommendations made by the Royal Commission on the Status of Women to that jurisdiction; and (b) report from time to time to its government on the progress it is making.

### Human Rights Commission

4. Anti-discrimination legislation as it applies to women is frequently not enforced. There is a need for agencies concerned with enforcement at the federal, provincial and territorial levels which would not only hear and adjudicate complaints dealing with violations of human rights legislation but would also be empowered to investigate and initiate action whether or not formal complaints are made. The functions of these agencies would be roughly analogous to those of the Food and Drug Directorate of the Department of National Health and Welfare which, in regard to specific legislation in this field, acts as a guardian of the interests of the consumer. However, the human rights agencies would not operate within a single department of government but would be directly accountable to the Parliament or legislature.

5. At present, the administration of legislation dealing with fair employment practices for organizations under federal jurisdiction is the responsibility of the Department of Labour. Nova Scotia, New Brunswick, Ontario and British Columbia have set up human rights commissions to enforce anti-discrimination legislation and these operate in relation to provincial departments of governments. Ontario Bill 83, introduced in 1970, proposing a Woman's Equal Employment Opportunity Act, is designed to place responsibility for the protection of women's employment rights in the hands of the Women's Bureau of the Ontario Department of Labour. In our opinion this is an inadequate status for commissions safeguarding human rights. Since governments themselves may sometimes be the offenders, such agencies should be accountable directly to Parliament or the provincial legislative assembly or the council of a territory.

6. We considered recommending the establishment by each government of a commission specifically to protect the rights of women, not only in employment but also under the various human rights instruments to which Canada subscribes. However, we believe that this is a matter of the widest human concern and that the responsibility for the enforcement of such



rights should not be segregated. There is need for Human Rights Commissions with wide powers designed for the protection of all Canadians. Yet because there has been a lack of attention to the rights of women in the past, some special provision, at least for the present, must be made to deal with cases in this area. It will be necessary to set up divisions, for as long as they may be required, to deal specifically with matters of discrimination against women.

7. Therefore, we recommend that federal, provincial and territorial Human Rights Commissions be set up that would (a) be directly responsible to Parliament, provincial legislatures or territorial councils, (b) have power to investigate the administration of human rights legislation as well as the power to enforce the law by laying charges and prosecuting offenders, (c) include within the organization for a period of seven to 10 years a division dealing specifically with the protection of women's rights, and (d) suggest changes in human rights legislation and promote widespread respect for human rights.

### Status of Women Council

8. Even when laws regarding discrimination against women are scrupulously observed, there are still social customs and beliefs which relegate women to an unfair position. In the Chapter on society we analyse some of these prevalent attitudes and practices, which began far back in history and are often still accepted without question. Woman has been defined in terms of her sex rather than, first of all, as a human being. Myths surrounding this view of woman will not change overnight.

9. In serious discussion, most people can be persuaded that a particular injustice has been done to a particular woman and would not have happened had that woman been a man. But to suggest to these same reasonable people that women are, over a very wide area, the victims of prejudice and discrimination, is often to encounter resistance, disbelief and even derision. Perhaps no prejudice in human society is so deeply imbedded or so little understood. To create equality it will be necessary to create a totally new climate, a totally new frame of reference against which every question affecting women can be assessed. Such a transformation will not follow the publication of one report. It will be achieved only as a consequence of a continuing study of the position of women in society and continuous efforts to secure justice and equal opportunity. Particular problems may need to be looked at again in a decade in the light of new life styles and conditions.

10. It has been a common reaction in the past, when the problems of any disadvantaged group of society became known, that too much emphasis has seemed to be given to that group instead of to common human problems. The danger of creating ghettos is often mentioned. To consider the needs of women separately raises the same alarm. Such a critical reaction misinterprets our intent since our concern with woman is to place her on equal terms with man. Then women's rights will cease to be an issue. Until this is done, there is an issue. We want for women no special status, only equal status; no separate realm, only full acceptance in the present, human world. To achieve this, the disadvantages which now inhibit women must be removed. This can only be done by an agency charged with that task. We are convinced that the continuing effort to attain and secure equal opportunity for women requires a distinct and specific agency devoted to that purpose.

11. The work of this Commission has convinced us of the need for a Status of Women Council as a permanent body with a national scope and function. We have proposed a women's programme to deal with employment policy within the government service of Canada and we hope that other governments and organizations will put similar programmes into effect. Part of the Council's work would be to evaluate the effect of such programmes, to put forward proposals where needs arise, and to act as a central service for information. It would also serve as a link with the United Nations Commission on the Status of Women and with similar organizations in other countries.

12. The Status of Women Council would be established as a corporation operating under the authority of an independent board of both women and men appointed by the federal government. It would make an annual report to Parliament through a Minister. In some of its functions, particularly in the responsibility for presenting an independent report to Parliament, it would be similar to such public corporations as the Canada Council and the Economic Council of Canada. It would require a small secretariat of highly qualified, innovative women and men and would require initial funds adequate for at least a five-year period.

13. Specifically the Council would inform and advise governments and the private sector. It would not confine itself solely to research but would be concerned with action. It would carry out a publications programme relating to specific studies, in addition to its annual report to Parliament. It would continually assess changing public attitudes toward the status of women and would be concerned with identifying new needs and formulating new

proposals. It would be empowered to set up pilot projects. It would maintain a permanent liaison with the numerous voluntary organizations concerned with the status of women.

14. Other countries have recognized the necessity of setting up organizations to continue, on a permanent basis, the temporary work of commissions such as the Royal Commission on the Status of Women in Canada. In Britain, the Women's National Commission was set up in 1965 to replace the Women's Consultative Council which had been set up three years before. It is made up of representatives of women's organizations, voluntary associations, unions and political parties. Its chairman is a Minister of the Crown and its co-chairman is president of the National Council of Women of Great Britain. It was established following a request by the United Nations Commission on the Status of Women to member states for the appointment of such national bodies. A resolution along these lines was adopted by the Economic and Social Council of the United Nations in 1967.<sup>1</sup>

15. In the United States, the Women's Bureau of the federal Department of Labor is primarily concerned with the problems of wage-earning women. In 1963, an Interdepartmental Committee, supported by a Citizens' Advisory Council on the Status of Women, was established to maintain a continuing review and evaluation of the progress of federal departments and agencies in improving the status of American women. The Committee also consults with the permanent State Commissions on the Status of Women which were set up following the publication of the report of the President's Commission on the Status of Women in 1963.

16. In Canada, the Women's Bureau of the federal Department of Labour is the only federal agency specifically concerned with the problems of women. However, its work, which has been of great value to the women of Canada, is directed primarily to employment. Moreover the Women's Bureau is not autonomous to the extent we consider necessary. The work of the Status of Women Council would overlap some of the work now being done by the Women's Bureau, but would also cover a wider field. In order to avoid duplication of effort and unnecessary cost we believe the Women's Bureau should be incorporated into the proposed Status of Women Council.

17. Therefore, we recommend that a federal Status of Women Council, directly responsible to Parliament, be established to (a) advise on matters pertaining to women and report annually to Parliament on the progress being made in improving the status of women in Canada, (b) undertake research on matters relevant to the status of women and suggest research

<sup>1</sup> Women's National Commission. *Background Note*. January 8, 1970.

topics that can be carried out by governments, private business, universities, and voluntary associations, (c) establish programmes to correct attitudes and prejudices adversely affecting the status of women, (d) propose legislation, policies and practices to improve the status of women, and (e) systematically consult with women's bureaux or similar provincial organizations, and with voluntary associations particularly concerned with the problems of women.

18. Several provinces now have women's bureaux or similar organizations within their governments. Where they exist, they are an effective means of protecting the special interests of women. Such organizations are needed at the provincial level and should, as we recommended above, co-operate closely with the Status of Women Council. Therefore, **we recommend that, where it has not already been done, each province and territory establish a government bureau or similar agency concerned with the status of women which would have sufficient authority and funds to make its work effective.**

## Conclusion

19. Even in the interval since the establishment of this Commission, there have been signs of change in public attitudes toward many of the problems with which we have been concerned. But the pace is not sufficiently rapid, and there is little public awareness of the extent to which an improvement in the status of women is required or of the over-all impact on society which such a change would bring. At issue is the opportunity to construct a human society free of a major injustice which has been part of history.

20. The extension of "woman's place" to all areas of society is part of the world-wide process of democratization. What we have recommended deals only with a few pressing and immediate problems. But what we have in mind is a releasing of positive and creative forces to take on still larger human tasks. Men, as well as women, would benefit from a society where roles are less rigidly defined.

21. To set the stage for this better employment of human capacities, equality of opportunity for women is a fundamental first step. The effect of our recommendations is likely to be more far-reaching than any one recommendation would indicate. The total impact will be considerably greater than the sum of the changes we propose. But the Commissioners are aware that true equality of opportunity for women and men can only result from radical changes in our way of life and in our social organization and probably must go as far as an equal sharing by parents in the care of their children and a complete reorganization of the working world.



22. The nine-to-five working day and full-time employment are neither sacred nor are they guarantees of efficiency. Productive efficiency may indeed have to yield its place as the sole criterion of employment practices. Human values may assume greater importance. Many rigid constraints that are part of today's economic world may be relaxed, to the benefit of all.

23. We may begin to question why banks, the post office, doctors and dentists are available only during the hours when everyone else is at work. Why is employment so rigidly structured that additional education is almost inaccessible? Should not the educational system stress the need to adapt to a changing society rather than to conform to the habits of yesterday? Flexibility may be introduced in many aspects of social organization as a consequence of the need to establish equality for women. Canada can afford to experiment boldly.

24. Women, as they seek equality, must contend with a society conceived and controlled by men. They require a high degree of resolution to disregard present barriers and to attain the positions which best reflect their ability. But existing structures are not sacrosanct: women must be aware that they are entering a world that can be changed. And men, as they recognize women's claim to equality, may welcome an opportunity to examine Canada's institutions in a new light.

25. We have indicated some of the characteristics of the society that could emerge. The magnitude of the changes that must be introduced does not dismay us, but we are dismayed that so much has been left undone. In terms of Canada's commitments and the principles on which a democracy is based, what we recommend is no more than simple justice.



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## List of Recommendations

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### Chapter 2

#### Women in the Canadian Economy

1. We recommend that the National Housing Loan Regulations be amended so that (a) for purposes of the gross debt service ratio, either husband or wife may be deemed to be the purchaser or owner and (b) up to 50 per cent of the income of the spouse of the purchaser or owner, or of the spouse of the person deemed to be the purchaser or owner, may be included in computing the annual income. (paragraph 32)
2. We recommend that (a) both the Canada and the Quebec Pension Plans be amended so that the spouse who remains at home can participate in the Plan, and (b) the feasibility be explored of
  - (i) crediting to the spouse remaining at home a portion of the contributions of the employed spouse and those contributions made by the employer on the employed spouse's behalf, and
  - (ii) on an optional basis, permitting the spouse at home to contribute as a self-employed worker. (paragraph 103)
3. We recommend that the federal, provincial and territorial governments (a) make greater use of women's voluntary associations; and (b) increase their financial support to
  - (i) women's voluntary associations engaged in projects of public interest, and
  - (ii) voluntary associations working in fields of particular concern to women. (paragraph 155)
4. We recommend that the federal, provincial and territorial governments include in their selection standards for appointment to positions in their respective governments, the assessment of volunteer experience in evaluating the qualifications of applicants. (paragraph 161)

5. We recommend that a federal-provincial conference on labour legislation affecting women in Canada be called to prepare for Canada's ratification of the International Labour Organization Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention 100). (paragraph 218)

6. We recommend that the Yukon Territorial Council adopt legislation prohibiting different pay rates based on sex. (paragraph 221)

7. We recommend that the federal Female Employees Equal Pay Act be amended to apply to all employees of the Government of Canada. (paragraph 226)

8. We recommend that the federal Female Employees Equal Pay Act, the federal Fair Wages and Hours of Work Regulations and equal pay legislation of provinces and territories require that (a) the concept of skill, effort and responsibility be used as objective factors in determining what is equal work, with the understanding that pay rates thus established will be subject to such factors as seniority provisions; (b) an employee who feels aggrieved as a result of an alleged violation of the relevant legislation, or a party acting on her behalf, be able to refer the grievance to the agency designated for that purpose by the government administering the legislation; (c) the onus of investigating violations of the legislation be placed in the hands of the agency administering the equal pay legislation which will be free to investigate, whether or not complaints have been laid; (d) to the extent possible, the anonymity of the complainant be maintained; (e) provision be made for authority to render a decision on whether or not the terms of the legislation have been violated, to specify action to be taken and to prosecute if the orders are not followed; (f) where someone has presented the aggrieved employee's case on her behalf and the aggrieved employee is unsatisfied with the decision, she have the opportunity to present her case herself to the person or persons rendering the decision who may change the decision; (g) the employee's employment status be in no way adversely affected by application of the law to her case; (h) where the law has been violated, the employee be compensated for any losses in pay, vacation and other fringe benefits; (i) unions and employee organizations, as well as employers and employer organizations, be subject to this law; (j) penalties be sufficiently heavy to be an effective deterrent; and (k) the legislation specify that it is applicable to part-time as well as to full-time workers. (paragraph 239)



9. We recommend that the minimum wage legislation of Prince Edward Island, Nova Scotia and Newfoundland be amended to require the same minimum wages for women and men. (paragraph 240)

10. We recommend that British Columbia adopt a Minimum Wage Act applicable to both sexes that will require the same minimum wages for women and men and will contain no sex differences in the occupations covered. (paragraph 241)

11. We recommend that the pay rates for nurses, dietitians, home economists, librarians and social workers employed by the federal government be set by comparing these professions with other professions in terms of the value of the work and the skill and training involved. (paragraph 252)

12. We recommend that legislation on the Canada Pension Plan and the Quebec Pension Plan be amended so that the provisions applicable to the wife and children of a male contributor will also be applicable to the husband and children of a female contributor. (paragraph 259)

13. We recommend that the provinces and the territories amend their workmen's compensation legislation so that the provisions applicable to the wife of the person deceased will also be applicable to the husband of the person deceased. (paragraph 261)

14. We recommend that the Unemployment Insurance Act and Regulations be amended to provide a common definition for "dependants" of women and men contributors. (paragraph 268)

15. We recommend that the federal Unemployment Insurance Act be amended to apply to all employees working in an established employee-employer relationship. (paragraph 269)

16. We recommend the amendment of the federal Fair Employment Practices Act and the adoption of provincial and territorial maternity legislation to provide for (a) an employed woman's entitlement to 18 weeks maternity leave, (b) mandatory maternity leave for the six-week period following her confinement unless she produces a medical certificate that working will not injure her health, and (c) prohibition of dismissal of an employee on any grounds during the maternity leave to which she is entitled. (paragraph 284)

17. We recommend that the Unemployment Insurance Act be amended so that women contributors will be entitled to unemployment benefits for a period of 18 weeks or for the period to which their contributions entitle them,

whichever is the lesser, (a) when they stop paid work temporarily for maternity reasons or (b) when during a period in which they are receiving unemployment benefits, they become unable to work for maternity reasons. (paragraph 288)

18. We recommend to the provinces and territories that protective labour legislation be applicable to both sexes. (paragraph 295)

19. We recommend the elimination of any discrimination on the basis of sex in the terms and conditions of employment for air crew on air lines. (paragraph 298)

20. We recommend that the provinces and territories adopt legislation prohibiting the advertisement of a job opening in a manner that expressly limits it to applicants of a particular sex or marital status. (paragraph 301)

21. We recommend that sex-typing of occupations be avoided in the text and in the illustrations of all federal government publications. (paragraph 302)

22. We recommend to the Canada Department of Manpower and Immigration and to the universities that University Placement Offices refuse to make arrangements for firms to interview students in connection with positions for which the firms have specified sex preferences or sex requirements. (paragraph 305)

23. We recommend that all provincial and territorial legislation dealing with equality of opportunity in employment specify that discrimination on the basis of sex and marital status be prohibited. (paragraph 331)

24. We recommend that (a) The Fair Employment Practices Act be amended to

(i) include "sex" and "marital status" as prohibited grounds for discrimination, and

(ii) apply to all employees of the Government of Canada; and

(b) The Fair Wages and Hours of Work Regulations be amended to include "sex" and "marital status" as prohibited grounds for discrimination. (paragraph 334)

25. We recommend that the provisions now included in section 22 (2) (b) of the Unemployment Insurance Act, amended to include sex and marital status as prohibited grounds for discrimination, be included in legislation applicable to Canada Manpower Centres. (paragraph 336)

26. We recommend that the federal government increase significantly the number of women on federal Boards, Commissions, Corporations, Councils, Advisory Committees and Task Forces. (paragraph 341)

27. We recommend that provincial, territorial and municipal governments increase significantly the number of women on their Boards, Commissions, Corporations, Councils, Advisory Committees and Task Forces. (paragraph 341)

28. We recommend that the federal government undertake a study of the feasibility of making greater use of part-time work in the Canadian economy. (paragraph 366)

29. We recommend that the differential treatment of Nursing Assistants and Nursing Orderlies in the federal Public Service be eliminated. (paragraph 377)

30. We recommend that the positions of secretaries in the federal Public Service be classified by one of the methods used for other classes in the federal Public Service. (paragraph 382)

31. We recommend that the federal Public Service Superannuation Act be amended so that (a) there will be no differences in the provisions on the basis of sex, and (b) the surviving spouse of a contributor will be paid the supplementary death benefits. (paragraph 386)

32. We recommend that the federal Removal Expenses Regulations be amended so that the expenses paid for the wife of an employee will also be paid for the husband of an employee. (paragraph 387)

33. We recommend that the federal Public Service Terms and Conditions of Employment Regulations be amended by (a) deleting section 50(2), and (b) substituting the provision that, during the six-weeks period preceding the expected date of an employee's confinement, a deputy head may direct the employee to proceed on maternity leave unless she produces a medical certificate that she is able to work. (paragraph 392)

34. We recommend that the federal government continue to pay the employer's contribution to the superannuation and Group Surgical-Medical Plans when an employee is on maternity leave. (paragraph 394)

35. We recommend that federal Public Service bindery positions at levels 1 and 2 be open to women and men on the same basis and that the job title "journeywoman" be eliminated. (paragraph 399)

36. We recommend that, until the sex-typing of occupations is eradicated, the federal Public Service Commission and federal government departments (a) take special steps to increase the number of women appointed to occupations and professions not traditionally female, (b) review and, where necessary, alter their recruitment literature and recruiting programmes to ensure that it is abundantly clear that women are wanted in all occupations and professions, and (c) take special steps to obtain applications from qualified women when appointments for senior levels are being made from outside the service. (paragraph 402)

37. We recommend that the federal Public Service Commission and federal government departments have as an objective the elimination of the imbalance in the proportion of women and men in senior positions and (a) as much as is feasible, emphasize potential rather than experience as a basis for appointment or promotion; (b) ensure that vacancies are open to employees at a classification level low enough to permit consideration of qualified women; and (c) when a job opens, make sure that women candidates get full consideration including the evaluation of their experience in volunteer work and running a household if it is relevant. (paragraph 422)

38. We recommend that the federal Public Service Commission and federal government departments (a) introduce programmes that will ensure the consideration of secretaries for administrative positions, and (b) open up intermediate and senior administrative positions to women in traditionally female professions. (paragraph 423)

39. We recommend that (a) a special effort be made to attract more women applicants for administrative trainee positions in the federal Public Service, and (b) federal government departments ensure that women administrative trainees are given the kind of training assignments that will prepare them for advancement to the senior levels. (paragraph 427)

40. We recommend that action be taken to increase greatly the enrolment of promising women in federal Public Service management courses, including the step of waiving salary floors and age ceilings where necessary in their case. (paragraph 428)

41. We recommend that, for the next 10 years, the number of women enrolled in each course in the Career Assignment Program of the federal Public Service be no less than 10 per cent of the total number of people enrolled in the course. (paragraph 436)



42. We recommend that (a) the federal Public Service Terms and Conditions of Employment Regulations be amended so that part-time employees will receive pay increases on the same basis as full-time employees, and (b) collective agreements for the federal Public Service contain this provision. (paragraph 442)

43. We recommend that federal Crown Corporations and agencies (a) ensure that women scientists and technologists receive equal consideration with men for appointment, and (b) make a special effort to give graduate women employees a chance to take post-graduate degrees. (paragraph 455)

44. We recommend that federal Crown Corporations and agencies (a) develop transfer and promotion measures that will encourage women to move out of the traditionally female occupations into other occupations, and (b) emphasize in recruitment programmes that all occupations are open equally to women and men. (paragraph 458)

45. We recommend that each federal Crown Corporation and agency devise a long-term plan for the better use of womanpower within its organization. (paragraph 459)

46. We recommend that, where the size of staff warrants it, federal Crown Corporations and agencies appoint one or more qualified people whose primary duty for the next five to eight years will be to provide for the training and development of women in their organizations. (paragraph 460)

47. We recommend that federal Crown Corporations and agencies with rotational programmes between field and head offices ensure that women are considered for rotation on the same basis as men and are not judged in advance on their freedom to rotate. (paragraph 461)

48. We recommend that federal Crown Corporations and agencies (a) review their selection procedures to ensure that women are used in recruitment and selection programmes, and (b) have senior women officers on their personnel administration staffs. (paragraph 462)

49. We recommend that different provisions on the basis of sex be eliminated from superannuation and insurance plans for federal Crown Corporations and agencies. (paragraph 466)

50. We recommend that federal Crown Corporations and agencies (a) make clear to educational institutions, and to the public, that career opportunities within their organizations are open to women and that they are

encouraging women to prepare themselves for such careers; and (b) require each private organization with which they do business to include in each contract, a clause that prohibits discrimination in employment on the basis of sex. (paragraph 467)

51. We recommend that sex-typing of the occupations of employees working in the Senate and House of Commons be discontinued. (paragraph 474)

52. We recommend that the Clerks of the Senate and the House of Commons devise a long-term plan for better use of womanpower and for opening senior positions to women as well as to men. (paragraph 475)

53. We recommend that the Royal Canadian Mounted Police Superannuation Act be amended so that its provisions will be the same for both female and male contributors. (paragraph 481)

54. We recommend that enlistment in the Royal Canadian Mounted Police be open to women. (paragraph 484)

55. We recommend that all trades in the Canadian Forces be open to women. (paragraph 488)

56. We recommend that the prohibition on the enlistment of married women in the Canadian Forces be eliminated. (paragraph 490)

57. We recommend that the length of the initial engagement for which personnel are required to enlist in the Canadian Forces be the same for women and men. (paragraph 494)

58. We recommend that release of a woman from the Canadian Forces because she has a child be prohibited. (paragraph 495)

59. We recommend that the Canadian Forces Superannuation Act be amended so that its provisions will be the same for male and female contributors. (paragraph 497)

60. We recommend that (a) the federal government issue a policy statement to the Ministers of all federal government departments, the heads of Crown Corporations and agencies, and the Speakers of the Senate and the House of Commons, expressing its intention to

- (i) ensure equality of opportunity in employment for women and the greater use of womanpower, and

- (ii) undertake short-term special measures where these are necessary to achieve its objectives; and
- (b) an information programme be undertaken so that management and supervisors at all levels in the Government of Canada be made aware of the government's policy regarding its employment of women. (paragraph 501)

61. We recommend that (a) a Women's Programme Secretariat be established in the Privy Council Office for promoting a programme for equality of opportunity for women in the federal Government Service and the greater use of their skills and abilities; (b) a Women's Programme Co-ordinator be appointed to each federal government department, Crown Corporation and agency, to the Royal Canadian Mounted Police, the Canadian Forces, and to the staff of the Senate and the House of Commons to promote within the organization the objectives of the Women's Programme and to maintain liaison with the Secretariat; (c) the federal government organizations referred to above be required to give periodic progress reports to the Women's Programme Secretariat of objectives undertaken; and (d) an annual report be tabled in Parliament on the progress being made in the federal Government Service toward the objectives of the Women's Programme. (paragraph 506)

62. We recommend that Chartered Banks (a) make it known that they intend to give women equality of opportunity; (b) eliminate the practice, where it exists, of requiring a longer attachment period for women than for men before promotion to management; (c) ensure that they have a record of women qualified for promotion to be considered as vacancies occur; (d) provide more opportunities for women to participate in both in-service and outside training programmes with the objective of their constituting at least 25 per cent of those trained by 1975; and (e) encourage their women employees to improve their knowledge and capabilities through management training courses and educational courses, such as those of the Institute of Canadian Bankers, in reasonable expectation that successful completion of these courses will lead to opportunities for promotion. (paragraph 513)

63. We recommend that department stores (a) ensure that women employees are considered for advancement on an equal basis with men; (b) investigate why, in areas where the staff is predominantly female, it is the practice to fill the senior positions with men; and (c) make a special effort to train more women employees for managerial positions. (paragraph 522)

64. We recommend that retail stores review their practices to ensure that exploitation of part-time workers does not exist. (paragraph 523)

65. We recommend that the Canada Department of Labour conduct a survey of the use of homeworkers, including handicraft workers, their wages and their other conditions of employment. (paragraph 533)

66. We recommend to the provinces and territories that household workers be covered by minimum wage laws, workmen's compensation and other labour legislation applicable to other paid workers. (paragraph 545)

67. We recommend that each provincial and territorial government establish a Household Workers Bureau which, with its network of local offices, would be responsible for (a) establishing and promoting employment standards for different categories of household workers; (b) maintaining a list of available workers according to their competence, training, experience, health and other relevant qualifications; (c) directing available household workers to families which require them; (d) maintaining a record of families which use or require the services of the Bureau, with indications of the conditions of work of each of them; (e) supplying these families with information relating to desirable conditions of work and social security benefits; (f) promoting the training of household workers according to the needs of the market; (g) initiating, if necessary, training courses for household workers; (h) ensuring that household workers are not exploited; and (i) conducting studies and providing information on the current market situation of household workers. (paragraph 547)

68. We recommend that provinces and territories promote the establishment of agencies or co-operatives to (a) act as the employer of household workers to be assigned to suitable employment, and (b) collect for the services of the household workers, make income tax, social security, and other payroll deductions, and ensure that they have equitable pay, approved employment conditions and the protection provided by law. (paragraph 551)

## Chapter 3

### Education

69. We recommend that the provinces and the territories adopt textbooks that portray women, as well as men, in diversified roles and occupations. (paragraph 53)

70. We recommend that women as well as men be admitted to the military colleges operated by the Department of National Defence. (paragraph 68)



71. We recommend that the federal government provide special funds for young women and men to acquire university education, such as is provided for young men who attend military college, leading to a degree in fields designated to be of special interest for aid to developing areas, the terms to include commitment to some specified national or international service. (paragraph 70)

72. We recommend that the federal government, the provinces and the territories set up committees to review all government publications concerned with the choice of occupations and careers in order to select and use only publications that encourage women to consider all occupations, including those which have been traditionally restricted to men. (paragraph 85)

73. We recommend that the provinces and territories (a) provide co-educational guidance programmes in elementary and secondary schools, where they do not now exist and (b) direct the attention of guidance counselors to the importance of encouraging both girls and boys to continue their education according to their individual aptitudes and to consider all occupational fields. (paragraph 87)

74. We recommend that, where they have not already done so, universities establish formal counselling services. (paragraph 88)

75. We recommend that (a) the federal government in co-operation with the provinces and territories set up a career information service in each local Canada Manpower Centre which would

- (i) include personnel specially trained to give information to women on occupations, training requirements, financial help available, and labour market conditions and needs, and

- (ii) insist on the importance of a broad field of occupational choice for girls;

and (b) subject to consultation and agreement with the educational authorities, this career information service be offered to all schools of the area. (paragraph 90)

76. We recommend that, where they have not already done so, the provinces and the territories set up courses in family life education, including sex education, which begin in kindergarten and continue through elementary and secondary schools, and which are taught to girls and boys in the same classroom. (paragraph 96)

77. We recommend that the provinces and territories (a) review their policies and practices to ensure that school programmes provide girls with equal opportunities with boys to participate in athletic and sports activities and (b) establish policies and practices that will motivate and encourage girls to engage in athletic and sports activities. (paragraph 102)

78. We recommend that, pursuant to section 3 (d) of the federal Fitness and Amateur Sport Act, a research project be undertaken to (a) determine why fewer girls than boys participate in sports programmes at the school level and (b) recommend remedial action. (paragraph 103)

79. We recommend that the federal government, in co-operation with the provinces and territories, ensure that information on the federal Occupational Training for Adults Programme reaches women outside the labour force as well as those employed or actively seeking employment. (paragraph 126)

80. We recommend that the federal government, in co-operation with the provinces and territories, expand and widely advertise the part-time training programmes offered by the Department of Manpower and Immigration. (paragraph 127)

81. We recommend that section 3 (b) of the federal Adult Occupational Training Act be amended so that full-time household responsibility be equivalent to participation in the labour force in so far as eligibility for training allowances is concerned. (paragraph 130)

82. We recommend that the federal Department of Manpower and Immigration, in co-operation with provinces and territories, develop policies and practices that will result in (a) an increase in the number of women undertaking educational upgrading programmes and training for more highly skilled occupations, (b) the enrolment of women in courses in line with their capacities without regard to sex-typing of occupations, (c) an increase in the number of women training for managerial and technical positions, and (d) the consideration by women of the whole spectrum of occupations before choosing training courses. (paragraph 134)

83. We recommend that the provinces and territories and all post-secondary educational institutions develop programmes to meet the special needs for continuing education of women with family responsibilities. (paragraph 143)

84. We recommend that the federal government, in co-operation with the provinces and territories, extend the present system of student loans to include part-time students. (paragraph 145)

85. We recommend that the federal government, in co-operation with the provinces, provide through the Occupational Training for Adults programme (a) training courses which will lead to a diploma for visiting homemakers for emergency assistance, the planning of which will be in conjunction with local welfare agencies, and (b) training courses leading to a diploma for household workers other than visiting homemakers. (Paragraph 148)

86. We recommend that women be given the same opportunity as men to participate in any programmes at present or in the future, that are sponsored by government for the retraining and rehabilitation of rural people, such as those begun under the Agricultural and Rural Development Act (ARDA). (paragraph 169)

87. We recommend that the provinces and territories take appropriate action to study the current educational needs and interests of women in rural areas and, in consultation with local people, introduce more adequate programmes, ensuring that they are available to women. (paragraph 171)

88. We recommend that the Department of the Secretary of State, through its Citizenship Branch, in co-operation with the provinces and territories, (a) conduct surveys in all areas of Canada where immigrants are settling to ascertain the special educational needs of immigrant women, (b) suggest programmes by which these needs could be met, (c) make these needs and programmes known to voluntary workers in the community, and (d) assist volunteers in the implementation of these training programmes. (paragraph 176)

89. We recommend that the federal government, in co-operation with provinces and territories, review language training programmes in order to ensure that the needs of immigrant women are being met. (paragraph 177)

90. We recommend that the federal government, in co-operation with the Northwest Territories, make sure that the education programme in relation to housing is continued. (paragraph 189)

91. We recommend that the Northwest Territories amend its Housing Association by-laws so that both the lessee and the spouse of the lessee are members of the housing associations. (paragraph 190)

92. We recommend that the federal, provincial and territorial governments encourage Eskimo and Indian women to take training in adult education for work in the northern communities. (paragraph 191)

93. We recommend that the federal government, the provinces and the territories co-operate to (a) provide expanded, comprehensive courses for all public officials and employees and their spouses, working with Indians and Eskimos, to familiarize them with the cultures and traditions of the native people, including training in the native languages; (b) make available to Indian and Eskimo women education courses to provide at least functional literacy in either French or English; (c) encourage native women to participate in school planning and programming, and to serve on school advisory committees; (d) where it is not already being done, train native women as teachers and teachers' aides; (e) provide that teachers' colleges give special training courses in the instruction of English or French as a second language to Indians and Eskimos; (f) make sure that teachers' colleges provide courses in Indian and Eskimo culture, including training in the native languages for teachers planning to work with native people; and (g) make every effort to train Indians and Eskimos to provide the educational services in Indian and Eskimo communities now being performed by non-Indian and non-Eskimo public servants. (paragraph 193)

94. We recommend that universities establish or strengthen courses and research in Indian and Eskimo cultures. (paragraph 194)

95. We recommend to private industry that it provide training courses for employees working in the north, and their spouses, to familiarize them with the cultures and traditions of the native people, including training in the native languages. (paragraph 195)

96. We recommend that the federal government, in co-operation with the territories, include individual native women, as well as couples, in the programme under which Eskimos and Indians are brought south on learning trips. (paragraph 197)

97. We recommend that the federal government, in co-operation with the territories, ensure that management training programmes in the operation of co-operatives and small business enterprises be made available to native women as well as to men and be expanded to fit the growing needs of the northern communities. (paragraph 200)



98. We recommend that the provinces and territories, in co-operation with universities, arrange that educational television programmes, including credit as well as non-credit courses at elementary, secondary, general and technical college and university levels, be televised at hours when both housewives and women in the labour force can take advantage of them. (paragraph 209)

99. We recommend that the governments and organizations which plan to use the Canadian satellite telecommunications system (a) consult knowledgeable women as to the types and quality of programmes and the hours of scheduling in order to meet the needs and convenience of women in Canada, and (b) include women professionals and specialists in all branches of programme production and broadcasting so that women will have equal opportunities with men in the development, operation and use of this new medium. (paragraph 212)

100. We recommend that committees, composed of citizens of the community, establish and direct Citizens' Information Centres for the purpose of providing free information on community resources, and that centres (a) maintain offices open to the public; (b) be responsible for the production and extensive distribution of booklets listing community resources; (c) provide for free in-coming long-distance telephone calls from citizens who could not be expected to travel to the nearest centre; (d) provide information by correspondence on request; (e) make full use of radio, television, the newspapers and other mass media to ensure that citizens are well informed on the services provided; and (f) encourage mass media to provide, by means of articles, programme courses, news releases and other techniques, information on subjects that may give rise to problems for citizens. (paragraph 225)

101. We recommend that federal, provincial, territorial and municipal governments provide financial assistance to citizens' committees operating Citizens' Information Centres. (paragraph 226)

## Chapter 4

### Women and the Family

102. We recommend that the federal government enact legislation establishing 18 years as the minimum age for marriage. (paragraph 39)

103. We recommend that the federal government change its passport application forms in order to indicate that a married woman may obtain her passport either in her maiden surname or in the surname of her husband. (paragraph 44)

104. We recommend that the federal government modify its policy so that a woman need not apply for a new passport after marriage unless she wishes to obtain it in her husband's surname. (paragraph 45)

105. We recommend that the provinces and territories amend their legislation so that a woman, on marriage, may retain her domicile or, subsequently, acquire a new domicile, independent of that of her husband. (paragraph 53)

106. We recommend that the Indian Act be amended to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children. (paragraph 59)

107. We recommend that those provinces and territories, which have not already done so, amend their law in order to recognize the concept of equal partnership in marriage so that the contribution of each spouse to the marriage partnership may be acknowledged and that, upon the dissolution of the marriage, each will have a right to an equal share in the assets accumulated during marriage otherwise than by gift or inheritance received by either spouse from outside sources. (paragraph 89)

108. We recommend that the provinces and territories, which have not already done so, amend their laws so that a wife who is financially able to do so may be held to support her husband and children in the same way that the husband may now be held to support his wife and children. (paragraph 98)

109. We recommend that the Criminal Code be amended so that the wife may be held to support her husband in the same way that the husband may now be held to support his wife. (paragraph 99)

110. We recommend that those provinces and territories which have established maximum amounts for maintenance orders remove such ceilings. (paragraph 107)

111. We recommend that the provinces and territories, which have not already done so, adopt legislation to set up Family Courts. (paragraph 111)

112. We recommend that the auxiliary services of Family Courts include an assessment branch dealing with the assessment and payment of alimony and maintenance. (paragraph 112)

113. We recommend that the Divorce Act be amended so that the three-year separation period provided in section 4 (1) (e) (i) be reduced to one year. (paragraph 135)

114. We recommend that the Divorce Act be amended so that the words "educational needs" be added to the list of exceptions where the maintenance of children over the age of 16 years may be ordered as a charge falling to the parents. (paragraph 142)

115. We recommend that fees for the care of children in day-care centres be fixed on a sliding scale based on the means of the parents. (paragraph 167)

116. We recommend that the provinces, where they do not already do so, pay not less than 80 per cent of the provincial-municipal contribution to day-care centres. (paragraph 170)

117. We recommend that the National Housing Act be amended to (a) permit the making of loans for the construction, purchase and renovation of buildings for day-care centres, and (b) permit the inclusion of space for day-care centres in housing developments, including university buildings, for which loans are made under the Act. (paragraph 173)

118. We recommend that the federal government immediately take steps to enter into agreement with the provinces leading to the adoption of a national Day-Care Act under which federal funds would be made available on a cost-sharing basis for the building and running of day-care centres meeting specified minimum standards, the federal government to (a) pay half the operating costs; (b) during an initial seven-year period, pay 70 per cent of capital costs; and (c) make similar arrangements for the Yukon and Northwest Territories. (paragraph 181)

119. We recommend that each province and territory establish a Child-Care Board to be responsible for the establishment and supervision of day-care centres and other child-care programmes, which will (a) plan a network of centres (as to location, type, etc.), (b) set and enforce standards and regulations, (c) provide information and consultants, (d) promote the establishment of new day-care services, and (e) approve plans for future day-care services. (paragraph 187)

120. We recommend that the Department of National Health and Welfare offer an extension of advisory services to the provinces and territories through the establishment of a unit for consultation on child-care services. (paragraph 188)

121. We recommend that birth control information be available to everyone. (paragraph 217)

122. We recommend that the Department of National Health and Welfare (a) prepare and offer birth control information free of charge to provincial and territorial authorities, associations, organizations and individuals and (b) give financial assistance through National Health grants and National Welfare grants to train health and welfare workers in family planning techniques. (paragraph 218)

123. We recommend that provincial Departments of Health (a) organize family planning clinics in each public health unit to ensure that everyone has access to information, medical assistance, and birth control devices and drugs as needed, and (b) provide mobile clinics where they are needed particularly in remote areas. (paragraph 219)

124. We recommend that the criminal law be clarified so that sterilization performed by a qualified medical practitioner at the request of his patient shall not engage the criminal responsibility of the practitioner. (paragraph 223)

125. We recommend that the provinces and territories adopt legislation to authorize medical practitioners to perform non-therapeutic sterilization at the request of the patient free from any civil liabilities toward the patient or the spouse except liability for negligence. (paragraph 224)

126. We recommend that the Criminal Code be amended to permit abortion by a qualified medical practitioner on the sole request of any woman who has been pregnant for 12 weeks or less. (paragraph 242)

127. We recommend that the Criminal Code be amended to permit abortion by a qualified practitioner at the request of a woman pregnant for more than 12 weeks if the doctor is convinced that the continuation of the pregnancy would endanger the physical or mental health of the woman, or if there is a substantial risk that if the child were born, it would be greatly handicapped, either mentally or physically. (paragraph 243)



128. We recommend that the governments of the provinces, territories and municipalities make every effort to integrate the unmarried mother, who keeps her child, into the life of the community, by making sure that she (a) is not discriminated against in respect of employment and housing, (b) receives help with child care if necessary, and (c) has access to counselling to help her with emotional, social and economic problems. (paragraph 254)

129. We recommend that provinces and territories amend where necessary the regulations relating to provincial welfare programmes so as to prohibit the exertion of any influence on the unmarried mother to press for an order of affiliation. (paragraph 257)

## Chapter 5

### Taxation and Child-care Allowances

130. We recommend that the federal Income Tax Act be amended in order that (a) the extra exemption allowed the taxpayer for the dependent spouse be reduced from the present \$1,000 to \$600 when the dependent spouse is under 60 years of age, and (b) the extra exemption allowed the taxpayer for a dependent spouse be the same as the individual personal exemption, when a dependent spouse is aged 60 and over. (paragraph 50)

131. We recommend that a federal annual taxable cash allowance in the order of \$500 be provided for each child under 16 to be paid in monthly instalments to the mother as under the present Family Allowance system. (paragraph 51)

132. We recommend that the federal Income Tax Act be amended in order that husband and wife form a taxation unit and be permitted to aggregate their incomes, under a special tax rate schedule, in a joint return signed by both spouses with the option to file separately if they so desire. (paragraph 55)

133. We recommend that those provinces that have not already done so amend their respective Succession Duties Acts in order to abolish succession duties on assets passing from one spouse to the other. (paragraph 64)

## Chapter 6

### Poverty

134. We recommend that the provinces and territories, in co-operation with municipalities and voluntary associations, provide a network of hostels for transient girls and women where counselling services on job opportunities and training facilities are made available. (paragraph 20)

135. We recommend that a guaranteed annual income be paid by the federal government to the heads of all one-parent families with dependent children. (paragraph 48)

136. We recommend that (a) the Guaranteed Income Supplement of the Old Age Security benefits be increased so that the annual income of the recipients is maintained above the poverty level, and (b) the Supplement be adjusted to the cost of living index. (paragraph 66)

137. We recommend that the federal government, the provinces, territories, municipalities and voluntary associations, in co-operation with native people, establish or expand friendship centres directed and staffed by people of Indian, Métis or Eskimo ancestry, to provide needed services. (paragraph 72)

## Chapter 7

### Participation of Women in Public Life

138. We recommend that two qualified women from each province be summoned to the Senate as seats become vacant, and that women continue to be summoned until a more equitable membership is achieved. (paragraph 28)

139. We recommend that financial qualifications for eligibility for membership in the Senate be abolished. (paragraph 29)

140. We recommend that the federal government and the provinces name more women judges to all courts within their jurisdictions. (paragraph 33)

141. We recommend that the provinces which have not already done so, require women to be liable for jury duty on the same terms as men. (paragraph 37)

142. We recommend that women's associations within the political parties of Canada be amalgamated with the main bodies of these parties. (paragraph 55)

## Chapter 8

### Immigration and Citizenship

143. We recommend that the Immigration Division of the federal Department of Manpower and Immigration review its policies and practices to ensure that the right of a wife to be an independent applicant for admission to Canada is always respected and that wives are made fully aware of this right. (paragraph 6)

144. We recommend that the federal Immigration Act and Regulations be amended by the elimination of the term "head of a family" wherever it appears in the legislation and by the substitution of the exact meaning which is intended in each case. (paragraph 7)

145. We recommend that the Canadian Citizenship Act be amended to provide for the automatic resumption of Canadian citizenship by women who lost it because they married aliens before January 1, 1947. (paragraph 16)

146. We recommend that the Canadian Citizenship Act be amended so that there is no difference between the residence requirements for the acquisition of Canadian citizenship by an alien husband and an alien wife of a Canadian citizen. (paragraph 18)

147. We recommend that sections 4 and 5 of the Canadian Citizenship Act be amended to provide that a child born outside Canada is a natural-born Canadian if either of his parents is a Canadian citizen. (paragraph 20)

148. We recommend that the Canadian Citizenship Act be amended so that either citizen-parent may apply for the naturalized citizenship of a minor child. (paragraph 22)

149. We recommend that section 11 (2) of the Canadian Citizenship Act be amended so that, in the case of joint adoption, the child may be granted Canadian citizenship if either of the adopting parents is a Canadian citizen. (paragraph 23)

## Chapter 9

### Criminal Law and Women Offenders

150. We recommend that section 164(1) (c) of the Criminal Code be repealed. (paragraph 27)

151. We recommend that section 164(1) (a) of the Criminal Code be repealed. (paragraph 32)

152. We recommend that the words "of previously chaste character" be deleted from all the sections of the Criminal Code. (paragraph 38)

153. We recommend that the Criminal Code be amended to extend protection from sexual abuse to all young people, male and female, and protection to everyone from sexual exploitation either by false representation, use of force, threat, or the abuse of authority. (paragraph 42)

154. We recommend that subsection (3) of section 23 of the Criminal Code be amended to apply to both spouses. (paragraph 45)

155. We recommend that the provincial and territorial governments either provide or contract with suitable voluntary associations to provide homes for women on remand. (paragraph 49)

156. We recommend that the federal government, provinces, territories and municipalities, whenever possible, assign female instead of male police officers to deal with women taken into custody. (paragraph 51)

157. We recommend that the provinces and territories ensure that when the administrative policy of their corrections programme is being determined, the differences in the counselling and supervisory needs of women and men probationers be considered, staff requirements be based on these needs and caseloads be adjusted accordingly. (paragraph 55)

158. We recommend that the provinces and territories (a) develop a health and social welfare policy that would remove from the penal setting the handling of persons found apparently intoxicated and assign the responsibility for diagnosis and treatment to health and welfare administration;



(b) ensure that there are treatment facilities for female alcoholics; and (c) in co-operation with health and welfare authorities establish treatment programmes, where they do not now exist, for female alcoholics being now detained in a penal setting for criminal offences. (paragraph 62)

159. We recommend that the federal Prisons and Reformatory Act be revised to eliminate all provisions that discriminate on the basis of sex or religion. (paragraph 66)

160. We recommend that the federal, provincial and territorial governments co-operate in order to provide flexible and imaginative programmes aimed at the rehabilitation of women offenders which would include (a) a system that provides appropriate living quarters, small "open" institutions where life follows a normal pattern rather than institutional living and is integrated as much as possible with the life of the neighbouring community; (b) programmes and services, such as education and vocational training, adapted to the needs of individual female offenders and taking full advantage of the resources of that district; and (c) personnel specially trained in dealing with female offenders. (paragraph 72)

161. We recommend that the federal Women's Prison at Kingston be closed. (paragraph 73)

162. We recommend that the National Parole Board make use whenever possible of members of band councils and government personnel, to provide parole supervision especially in rural and remote areas, for women of Indian and Eskimo ancestry. (paragraph 76)

163. We recommend that a network of halfway houses for women newly released from correctional institutions be set up in centres across Canada, supported by public and private funds and operated by voluntary groups and agencies, in accordance with approved government standards. (paragraph 79)

## Chapter 10

### Plan for Action

164. We recommend that the federal government, the provinces, the territories and municipalities, each establish an implementation committee, composed of a number of its senior administrators, to (a) plan for, co-ordinate and expedite the implementation of the recommendations made by

the Royal Commission on the Status of Women to that jurisdiction; and (b) report from time to time to its government on the progress it is making. (paragraph 3)

165. We recommend that federal, provincial and territorial Human Rights Commissions be set up that would (a) be directly responsible to Parliament, provincial legislatures or territorial councils, (b) have power to investigate the administration of human rights legislation as well as the power to enforce the law by laying charges and prosecuting offenders, (c) include within the organization for a period of seven to 10 years a division dealing specifically with the protection of women's rights, and (d) suggest changes in human rights legislation and promote widespread respect for human rights. (paragraph 7)

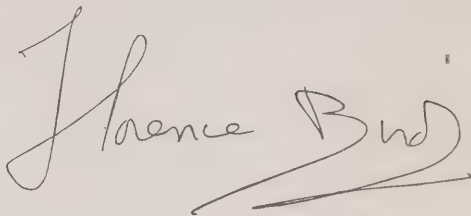
166. We recommend that a federal Status of Women Council, directly responsible to Parliament, be established to (a) advise on matters pertaining to women and report annually to Parliament on the progress being made in improving the status of women in Canada, (b) undertake research on matters relevant to the status of women and suggest research topics that can be carried out by governments, private business, universities, and voluntary associations, (c) establish programmes to correct attitudes and prejudices adversely affecting the status of women, (d) propose legislation, policies and practices to improve the status of women, and (e) systematically consult with women's bureaux or similar provincial organizations, and with voluntary associations particularly concerned with the problems of women. (paragraph 17)

167. We recommend that, where it has not already been done, each province and territory establish a government bureau or similar agency concerned with the status of women which would have sufficient authority and funds to make its work effective. (paragraph 18)

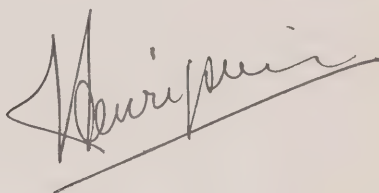
ALL OF WHICH WE RESPECTFULLY SUBMIT FOR YOUR  
EXCELLENCY'S CONSIDERATION.

COMMISSIONERS:

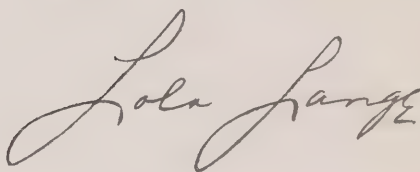
Florence Bird, *Chairman*

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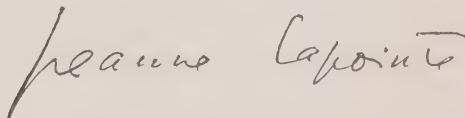
Jacques Henripin

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Lola M. Lange

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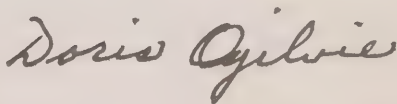
Jeanne Lapointe

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Elsie Gregory MacGill

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Doris Ogilvie

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Six Commissioners have signed this Report subject to the observations in the Separate Statements by Jacques Henripin, Elsie Gregory MacGill and Doris Ogilvie, which follow immediately.

Commissioner John P. Humphrey has signed a Minority Report which appears on page 433.

EXECUTIVE SECRETARY:

*Monique Bégin*

Monique Bégin



## Separate Statement

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### Commissioner Jacques Henripin

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1. Despite the ingenious use of embellishments to camouflage injustice, the women of the Western world, speaking generally, have been and still are given second-class citizen treatment in many areas and, until quite recently, have been deprived of their basic rights and had their activities confined to functions which give them little opportunity for participation in the major institutions of society, let alone a share in their management. It is no exaggeration to refer to centuries of injustice, isolation, humiliation, servitude and domination.

2. Under these circumstances, advocacy of the equality of the sexes under the law and a call for new attitudes and practices based on such equality are not enough. Neutrality is not enough. After such a long and oppressive past, the situation calls for remedies, special measures, careful study and the remodeling of some of our social structures. On these points, I am in full agreement with the majority of the Commissioners.

3. However, while I fully endorse the objectives sought by the Commission, I cannot support some of its recommendations. True, our first duty was to find ways of correcting the deplorable conditions which beset many women, but in our proposals we can afford neither a compromise of principles nor facile solutions. On the other hand, with regard to the changes to be brought about in the working world, I am of the opinion that the Commission has not gone far enough.

4. The following are points on which I feel I must express disagreement.

#### **Salary Adjustments for Five Occupations in the Federal Public Service**

5. Recommendation 11, paragraph 252, Chapter 2<sup>1</sup> calls on the federal government to adjust the salaries paid to nurses, dietitians, home economists, librarians and social workers, on the basis of the value of the work performed and of the training and qualifications required. In the discussion leading up

<sup>1</sup> In this statement, recommendations are numbered according to the list at the back of the Report and the appropriate paragraph and chapter numbers are also given.

to the recommendation, it is suggested that, for these categories, the government should abandon its traditional practice of setting salaries at the level paid by the good employer outside the service. In my view, such departure from established practice can only be justified if some defect or malfunction of the labour market prevents it from operating for these professions as it does for others. Such may well be the case, but we received no evidence to this effect, nor did we prove the point. The criteria advanced in the recommendation for salary adjustments are acceptable in principle, but they are incomplete, and one of them—the value of the work—seems little better than a tautology. It should also be said that some of the occupations come under collective bargaining. In short, I believe the government should depart from standard practice only when it is clear that market mechanisms are inoperative. This has not been shown. In my opinion, the only remedy for the situation described in the Report is for women to diversify their occupational choices and to escape, once and for all, from the confines of the so-called “female” occupations.

## Abortion

6. I cannot subscribe to the position taken by the majority of Commissioners on abortion (Chapter 4, paragraphs 226 to 243 inclusive), and more particularly to recommendations Nos. 126 and 127, paragraphs 242 and 243.

7. It is not easy to run counter to the trend of a large section of public opinion which is calling with increasing insistence for almost total liberalization of our abortion laws. But not every man or woman shares such views and it should perhaps be pointed out that our Commission heard eloquent, even moving, appeals in favour of the retention of our present law and some even asked for a return to stricter measures. To me, these appeals do not reflect the views of doctrinaires; they are based on respect for human life, which is a fundamental principle in the code of Western ethics, exceptions having been made for legitimate defence, war and the punishment of certain crimes.

8. I am well aware that this is not a simple problem amenable to hard and fast principles. There is some doubt as to when human life really begins and as to whether a foetus becomes a “human being” when it is a day, a week, a month or three months old. It is possible that the concept of human life—convenient in its obvious simplicity—does not in fact correspond to a reality so lucid that what is human and what is not can be clearly defined. The reality interpreted by this concept probably embraces a whole range of intermediary degrees of what we call “human”. In other words, human

life is not—strictly speaking—an absolute. Nor can we close our eyes to the fact that this relative value attached to human life is reflected in the mores of our society: all is not done that could be done to save human lives.

9. But, such uncertainty, such an elusive reality, cannot be answered by attitudes and laws which, in the final analysis, are based only on convenience. In my view, the problem of abortion cannot be resolved by considering solely the psychological and physiological benefits or the advantages for the family which may derive from the destruction of the foetus.

10. Unless we admit the scarcely tenable view that there is no such thing as a human being before birth, we are forced to compare the advantages of such a brutal solution as abortion with the "value" of the being to be destroyed. In each individual case, we must weigh—and it may be a delicate operation—the gravity of destroying a more or less human life against the advantages which the mother, in particular, may gain. I do not wish to minimize these benefits nor the hardships suffered in some cases where an abortion may prove to be the only solution. But I cannot bring myself to deny the respect we owe to living beings in the process of becoming men and women. Unhappily, these are not matters which can be solved by a formula and there is no simple solution which will satisfy everyone. Personally, I must admit that I do not know how serious a situation should be to warrant an abortion.

11. I feel this is no reason for doing away with legislation. We cannot resolve our uncertainties by sweeping away inconvenient restraints. I am therefore of the opinion that our present Canadian law provides an acceptable instrument for regulating the behaviour of Canadians in the matter of abortion, and I am not convinced that there should be further liberalization of the law. What is important now is that an honest effort be made, in hospitals and by doctors, to set up the machinery which the law provides for its application and which is still sadly lacking.

12. This machinery could probably be improved. Hospital committees responsible for making decisions could include not only doctors but also specialists who would perhaps be better able to assess the non-physiological aspects of the cases considered. A woman asking for an abortion should be entitled to a hearing before the committee. I also feel that the present law could be changed in two respects: first, abortion could be allowed in the case of rape or when it is clear that the child will be born seriously deformed; secondly, certain penalties could be reduced.

### Federal Legislation Covering Day-care Centres

13. Recommendation 118, paragraph 181, of Chapter 4, dealing with the family, requests the federal government to adopt legislation which would enable it to share with the provinces the capital and operation costs of day-care centres. There would be prior consultation with the provinces. I cannot support this recommendation for the following reasons:

\* In order to improve the status of women, we must undoubtedly provide mothers of young children with the services and programmes which will relieve them—if they so wish—of part of the burden of caring for their children. Day-care centres are one such service. The problem is to determine to what extent and under what conditions the government should subsidize them. A subsidy to a day-care centre is an indirect subsidy to the families using it. In my view, such subsidies are warranted under two sets of circumstances: (i) where the majority of the population views day-care centres as constituting a service like elementary and secondary schools which society should make available to all families at government expense, or (ii) where certain families, for various reasons, cannot give proper care and education to their children and it is necessary for society to help them. In the second case, there can be no hesitation. The government should provide assistance, on a sliding scale basis, to families which must send their children to day-care centres, but cannot afford the expense. I therefore fully endorse recommendations 116 and 117, paragraphs 170 and 173 of Chapter 4. Should one go further? Should the government subsidize all day-care centres? In the opinion of the majority of Canadians, at what age should children enter this extension of the school system, which is what day-care centres amount to? The Commission did not make a survey of public opinion regarding these matters. In my view, it would be rash to assume that the majority of Canadian taxpayers would be willing to subsidize families sending children under four or five years of age to a day-care centre rather than caring for them themselves. The government has a clear duty to see that such services exist. But I do not think that, at present, the government should use public funds to subsidize families which prefer to send their children to day-care centres, rather than looking after them themselves or hiring a homemaker. People should be free to make their own decisions, yet I do not think, at present, one alternative rather than another should be singled out for subsidy. In reference to this, the recommendation 131, paragraph 51 of Chapter 5 dealing with taxation, will afford parents an opportunity to exercise a true choice.



\* Under the Canada Assistance Plan, the federal government can refund to the provinces half the cost of subsidies given to day-care centres which assist needy families. It is significant that the plan has been used chiefly by wealthy provinces. This seems to be another case of a federal subsidy benefiting the provinces which need it least. The purpose of the Commission's recommendation, however, is to extend the subsidy beyond the scope of the Canada Assistance Plan. This would tend to further accentuate the social and economic disparities between provinces.

\* Day-care centres are really an extension of the school system, which is a provincial responsibility. Of course, the federal government would not interfere with curricula or standards, except to set minimum standards. The fact remains that cost-sharing programmes do exert a degree of federal pressure on the participating provinces. They are forced to use their own resources for purposes determined by the federal Parliament, amounting to an indirect encroachment upon their jurisdiction. In the present political context, and more particularly in the light of statements made by the present government, this may not be a wise approach. Clearly, this criticism does not apply to recommendation 119, paragraph 187, which I fully endorse.

\* A Commission such as ours, whose primary concern is to suggest ways of improving the status of women, cannot, in making its recommendations, ignore the relation between its mandate and the country's overall social and welfare needs. Any subsidy to day-care centres beyond what is necessary to take care of the requirements of needy families is so much money diverted from other social objectives which may perhaps be in greater need of government assistance.

### **The Status of Indian and Eskimo Women**

14. The Commission's concern for the Indians and Eskimos as expressed in the Chapter on education (paragraphs 178-201 inclusive) is very understandable. The privations endured by these people in many areas—health, education, standards of living—are shocking. Undoubtedly, we all feel that every means should be taken to improve conditions for this neglected group of Canadians. However, the subject is outside the Commission's terms of reference. Furthermore, the Commission is not qualified to deal with the complex problems which arise when attempting to introduce social and economic changes in cultures which are so very different from ours. Goodwill in these matters is often, and sometimes quite rightly, interpreted as a form of paternalism or as a more or less conscious attempt to destroy these

cultures. I very much fear that some of the recommendations (Nos. 90-97) advanced by the Commission in this section may have been drawn up a little too hastily. I am not qualified to assess their worth and therefore, prefer to dissociate myself from them, since good intentions are not substitutes for careful analysis and adequate precaution. It will be noted that most of the recommendations concerning Indians and Eskimos have little to do with women in particular, and deal only with that segment of the population living in the northern part of Canada.

### Part-time Work

15. A large number of the briefs sent to the Commission recommended increased opportunities for part-time employment for mothers, particularly those with young children.

16. In Chapter 2, dealing with the economy, the Commission puts forward three recommendations on this point. The first two apply respectively to part-time employment already available in the federal Public Service and in department stores. They suggest that working conditions applying to full-time employment should also apply, on a *pro rata* basis, to part-time jobs in order to protect such employees from being exploited (recommendations 42 and 64, paragraphs 442 and 523). The third recommendation, more general in nature, suggests a study of the feasibility of making greater use of part-time work in the Canadian economy (recommendation No. 28, paragraph 366).

17. I regret that the Commission did not go more fully into this question which I feel is fundamental in achieving true equality between men and women.

18. We must face the issue squarely. There can be no true equality of opportunity for women as long as the prime responsibility for the care of children continues to be generally and systematically left to them; any change in this area involves a complete reorganization of the working world. Indeed, either society must take complete charge of children—and this is not in keeping with Western ideas and feelings in the present day and age—or the methods of the working world will have to become far more flexible than they are at present in order to make it possible for both parents to share this responsibility on a reasonably equal basis.

19. Just what changes are needed? It is of prime importance that a large proportion of jobs should be available to men and women on a part-time

basis and with very flexible working hours, for these are the only conditions under which it will be possible for parents to share in bringing up their children. This may not always be possible, but far more can be done than is generally realized. For example, a law has just been passed in France giving any civil servant who has children under 12 years of age the right to work on a half-time basis for a maximum period of nine years without loss of seniority or pension rights. Possible difficulties in applying this law are foreseen; but the fact remains that a radical change in the organization of the work world is being attempted, a change which until recently would have been thought impossible.

20. It is quite appropriate that the Canadian Public Service should lead the way in such matters, for it is less bound by economic factors than the private sector, and its very size enables it to make adjustments and take calculated risks which might not be so easy for private industry.

21. The Commission could have recommended that the federal, provincial, territorial and municipal governments be asked to pass laws or regulations giving all employees with young children the option to work on a part-time basis.

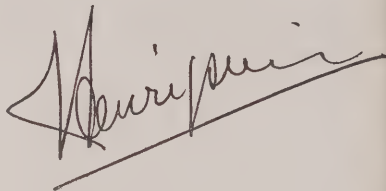
22. However, this flexibility must also extend into private businesses. Few firms will take the step unless they are induced to do so and are offered financial incentives for losses incurred in the experimental stages.

23. We could have recommended that the federal government should develop a programme of financial and technical assistance for private firms willing to introduce flexible working hours, by developing pilot projects. Financial assistance would be based on actual costs incurred.

24. On the other hand, I fully realize that so long as part-time work is considered as a marginal solution, it might present disadvantages, such as the creation of new ghettos, fewer chances for promotions, etc.; women should be informed of these drawbacks. In the initial stages, any such measure will no doubt be of more interest to women than to men. It will give them an opportunity to keep in touch with their trade or profession, thus avoiding subsequent problems of orientation and retraining. In the long run, it might prove to be a milestone for a true social reform which will give both men and women the opportunity to participate more fully, both in the family and in the economy.

25. I regret to have to express disagreement with some of the Commission's recommendations. Actually, these represent a very small percentage

of the total number contained in the Report. This indicates that I endorse practically all its basic contents and that I share my colleagues' sustained concern to find solutions to the problems related to the improvement of the status of women in Canada. My dissent on a very few points should not be interpreted as a lack of involvement.

A handwritten signature in dark ink, appearing to read "Adrienne Clarkson", written over a single horizontal line.



## Separate Statement

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Commissioner Elsie Gregory MacGill

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**Abortion** (Recommendation Nos. 126 and 127—paragraphs 242 and 243 of Chapter 4).

1. Although I support our recommendations on abortion as far as they go, I do not think that they go far enough. I think that abortion should no longer be regarded as a criminal offence but as a private medical matter between patient and doctor. I foresee with fear that unless the prohibitions and penalties provided in the Criminal Code are repealed promptly, they will linger on for a decade or two more to harass and punish women.

**Income Taxation** (Recommendation No. 132—paragraph 55 of Chapter 5).

2. Income Tax Legislation can encourage or discourage the financial dependency of one group of individuals on another, for example, the child on the father, the wife on the husband. In Canada a great many wives are financially dependent on their husbands and this appears to be a factor in the lower wage rates paid to women as compared with those paid to men. Our findings indicate that anticipation of this dependency often saps the initiative of young girls to take advantage of educational opportunities, and focuses their attention on acquiring a husband-provider.

3. Partly in consequence of this, throughout our Report we emphasize the importance of the independence of the individual. Having particular regard for the individual woman, we seek to strengthen her self-confidence, her self-esteem, her self-reliance, her freedom of choice and action and her economic and psychological independence.

4. The current "individual" basis of taxation accords more nearly with this view than does the "marriage unit" basis. It is a facet of the independence of the individual, and also of tax equity between individuals. For these reasons, I am against the introduction of the "marriage unit" basis. As our Report shows, there are ways other than that of eliminating taxation policies that discriminate against married women.

*Elsie Gregory MacGill*



## Separate Statement

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Commissioner Doris Ogilvie

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**Abortion** (Recommendation Nos. 126 and 127, paragraphs 226 to 243 incl. of Chapter 4).

1. In the Chapter of the Report dealing with the family, there is a section on abortion. I do not agree with the recommendations in that section or with the arguments preceding them. When we discuss abortion, either we are talking about a human life separate from that of the mother or we are not. If we are not talking of a separate human life, there is no reason for its protection in the Criminal Code. But if we are talking about a separate human life, and I believe that we are, surely that life should be protected. We cannot leave the protection of a human life to individual conscience and we cannot balance one human life against the social or economic welfare of another.

2. Certainly I agree that the picture of the abortion problem which we report is deplorable. Our laws have not succeeded in eliminating the illegal abortionist nor have they protected the lives of thousands of unborn children each year. But in an age of growing recognition of the value and dignity of every individual, further approval of abortion seems regressive rather than progressive. The time is coming when society will no longer tolerate abortion just as it no longer tolerates infanticide. We are on the threshold of significant discoveries and inevitable decisions in the biological sphere. The breakthrough has been made in the understanding and use of contraceptives. The challenge then is to bring the new knowledge of birth control to all people of all ages.

3. Each year, those who direct, plan, and carry out our social welfare programmes are demonstrating more understanding and greater success in helping with the problems of our society. I would ask that they intensify their efforts and signify their intention to assist those who are finding it impossible to face alone the problem of bearing a child and those who feel that they cannot cope with the additional responsibility of another child. Our society must assert its belief in the value of human life—not abandon it.

*Doris Ogilvie*





## Minority Report

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Commissioner John Humphrey

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1. I have always defended the rights of women. For 20 years, indeed, I was associated with a United Nations programme which had as its objective the implementing of these rights. Yet because I cannot agree with some of that Commission's recommendations and the arguments leading up to them, I must now dissociate myself from the Report of a Royal Commission which was appointed for the purpose of improving the status and condition of women in Canada. Because, moreover, all except one of the other members of the Commission—as well as the great majority of its staff—are women, my abstention will only too likely be attributed to male prejudice. Unpleasant as that possibility is, I must run the risk.

2. With much of this Report and with most of its recommendations I am in full agreement. But for the reasons explained below, there are some recommendations with which I cannot agree. These weaken the Report because they reduce its credibility, and will probably compromise the adoption of other recommendations with which I do agree.

3. My approach to the many questions dealt with in this Report has been that women are entitled to all the rights possessed by men without any discrimination, as provided by the Universal Declaration of Human Rights<sup>1</sup> for which Canada voted in the General Assembly of the United Nations on December 10, 1948. And I have envisaged the task of the Commission to investigate the actual situation in Canada, with a view to determining whether Canadian women possess these rights in law and in fact, and to recommend changes in the law and in practice in order to bring about equality where it does not exist. It is obvious from our investigation that there still exists discrimination against women in many fields—in many cases

<sup>1</sup> Article 2 of the Declaration says that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This is not the only article of the Declaration which prohibits discrimination on grounds of sex. See, for example, Art. 7. And most of the articles which define the various rights make it clear that they are to be enjoyed by "all" or "everyone" without discrimination.

long-standing discrimination with cumulative effects. It was the duty of the Commissioners to make recommendations aimed at the removal of this discrimination. This they have done. But, in some cases, they have gone on to make recommendations which would introduce new kinds of discrimination, not only between men and women but also between different classes of women. These recommendations I cannot support. In a just society, you do not eliminate one injustice by creating another.

4. The Report is unfair to the married woman at home, who, unless she is looking after young children, is made to appear a social parasite. I am not saying that "woman's place is in the home". In my view, her place is wherever she wants to be. She should be free to decide whether or not she should work outside the home; and it is the duty of society to remove any barriers to her free choice. But I cannot support any attempt to force her out of the home and into the labour market. I can see no reason why a married woman should not remain at home if she wishes, even though she has no children in her care. I cannot, therefore, accept the proposal that the income tax laws be amended so as to reduce the exemptions now provided for married status. I object, moreover, to the implication that the contribution of the wife to the family and society should be calculated by reference to the wages she would be paid had she been hired as a servant. Marriage should be a partnership and a wife has a right to be treated as a partner, not as a servant.

5. Nor can I support any recommendation which would put women in a special category in the body politic. I cannot agree that women have the psychological characteristics of a minority or that they should be treated like a minority. I am, therefore, opposed to all quota systems for women, whether in the Senate, in the public service, in political parties, in industry or in education. Such systems are discriminatory and can operate against the real interests of women.

6. This brings me to the question of compensatory and special treatment since these constitute the rationale on which some of the recommendations are based. The two concepts are not the same. By compensatory treatment, I understand privileges extended to make up for bad treatment in the past. To advocate it is tantamount to saying that two wrongs make a right. By special treatment, on the other hand, I understand preferential treatment which is extended to the end that there shall be real equality. This is a valid principle. Thus, the United Nations Convention on the Elimination of All Forms of Racial Discrimination (which has been signed but not ratified by Canada) states in Article 1 that "special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or

individuals requiring such protection as may be necessary in order to ensure such groups, or individuals, equal enjoyment or exercise of human rights and fundamental freedoms, shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

7. But the United Nations Commission on the Status of Women (which has been working since 1946 to remove discrimination against women) has never suggested that the above principle should be extended to women. The principle, although valid, is open to abuse and can work against the real interests even of the group which it is meant to protect. Special treatment for women as compared to men comes very near, moreover, to the protective measures to which so many women object. Whatever their situation may be in certain under-developed countries, the present condition of women in this country does not, in my opinion, justify recourse to special treatment. Not only is there a risk that it would slow down the considerable progress that women are now making in many fields, but psychologically it would put them in a position of inferiority. Special treatment could perpetuate the present inferior status of women. The goal, moreover, should be not parity or any other agreed figure but the elimination of discrimination. If, for example, objective recruiting and selection devices were to result in the staffing of a whole government department either by men or by women, the public interest would have been served.

8. It follows that I cannot accept any recommendations which would explicitly or implicitly create a quota for women in the Senate, in the Public Service or in any other body. Need I add that I would not be alarmed if all the members of the Senate were women, provided they got there on their own steam. Apart from the fact that quota systems are discriminatory, a quota system for women in the Senate would be an insult to Canadian women, who are, in my opinion, quite capable of standing on their own feet. They are not wards of society. It is true that they have not yet played the role in the political and economic life of the country that they should play. But given their will to do so and the removal of the discrimination which this Report reveals, they can, I have no doubt, overcome the disadvantages under which they have traditionally suffered. It is my firm belief that, in the kind of society into which we seem to be moving, the destiny of women is in their own hands. Indeed, I would have wished that this Report constitute a greater challenge to them than, unfortunately, it does.

9. There are two other considerations which have determined my attitude toward the Report. The first is that it does not always take broader social priorities into account. Thus, I have not been able to agree that the federal government should assume a greater burden than it now does under the Canada Assistance Plan, by new federal legislation or otherwise, for the cost of day-care centres. Under the Canada Assistance Act as it now stands, the federal government will pay 50 per cent of the operating costs of day-care centres, when these centres are used for welfare purposes. The balance of the cost is at the charge of the provinces and municipalities. This, it seems to me, is a fair division of responsibility in a matter which is after all under provincial jurisdiction. I believe in day-care centres not only because of their importance to women but because, should they eventually become an extension of the educational system, as I think they should, they will make an important contribution to society as a whole. But I am not prepared to say that they are more important than, for example, increased financial assistance to old people or the rehabilitation of the slums in our cities. It has been suggested to me that it is not the business of a Royal Commission to take into consideration broad questions of social priorities, because these are the responsibility of government. I cannot agree with this view of the functions of a Royal Commission. A Royal Commission is a quasi-judicial body created by the government for the express purpose of studying all aspects of a question and then giving the best possible advice to the government in the light of all the circumstances. It is not a pressure group speaking in the interests of a particular segment—however large—of the community. And it should be judged, in part, by the degree to which its recommendations can be implemented.

10. Finally, I cannot accept some of the recommendations, for example, that family allowances should be greatly increased, since they would encourage larger families at a time when the population explosion has become a major world problem. Even if it can be argued that Canada is not yet over-populated, the world is; and it hardly behooves us to advocate the control of population in the rest of the world while encouraging population growth here. One does not have to be a mathematician, moreover, to realize that even in Canada we are fast approaching a situation where people should be encouraged to limit rather than to increase their families.

11. These are the chief reasons which have impelled me to make a separate report. I will now define my attitude towards a number of specific recommendations.<sup>2</sup>

<sup>2</sup> Since this Minority Report had to be prepared before I could see the final text of the Commission's Report, the order in which these recommendations are discussed here does not necessarily correspond to the order in which they appear in the Report.



## Compensatory and Special Treatment for Women

12. Because of their relatively large number, I will first deal with those recommendations which contemplate compensatory or special treatment for women. I have already explained why I cannot support them. The Commission has avoided the use of the term "compensatory" but the term "special treatment" is used explicitly in various recommendations. If these words have any meaning, they mean what they say, which is that treatment should be extended to women which is not extended to men. That, however, is not the only reason why I object to the principle. My chief objection is, as I have already indicated, that the principle can work against the real interests of women and is likely to perpetuate their present inferior status.

13. Although not specifically mentioned therein, the same principle is at the basis of other recommendations. There is indeed an element of "special treatment" in some of the recommendations to which I also object on other grounds. The recommendation regarding the Senate, which I shall discuss under another caption, is a good example.

14. The Report goes so far as to recommend that the federal government issue a policy statement expressing its intention, *inter alia*, to undertake short-term special measures where these are necessary to ensure equality of opportunity for women and the greater use of woman power. This would mean that the special treatment of women would become part of public policy and would not be limited to the specific instances to which I will now refer.

15. Recommendation No. 11 (paragraph 252 of Chapter 2) (which I will also discuss separately below) would have the federal government interfere with the market by fixing salaries for public servants engaged in certain but not all traditionally female occupations. This would be special treatment as compared to all other occupations including certain traditionally female occupations within the Public Service itself.

16. Recommendation No. 40 (paragraph 428 of Chapter 2) asks for special treatment for women in that salary floors and age ceilings would be waived in their case when members are being enrolled for federal Public Service managerial courses.

17. Recommendation No. 41 (paragraph 436 of Chapter 2) has the same defect. It is that "for the next 10 years, the number of women enrolled in each course in the Career Assignment Program of the federal Public Service be no less than 10 per cent of the total number of people enrolled in the

course." This recommendation is particularly objectionable from the point of view of women, because the minimum quotas are likely to become the maximum ones.

18. Recommendation No. 36 (paragraph 402 of Chapter 2), while it does not fix a quota, is another example of special treatment. It calls on the federal Public Service Commission and federal government departments to "take special steps to increase the number of women appointed to occupations and professions not traditionally female."

19. Recommendation No. 43 (paragraph 455 of Chapter 2) would have federal Crown Corporations and agencies "make a special effort to give graduate women employees a chance to take post-graduate degrees." This is because, the Report says, only two per cent of the women employed by such corporations and agencies "had a higher degree than a bachelor degree compared to 15 per cent of the men." The "special effort" in this case would be to subsidize the women graduate employees. Since there is no suggestion in the Report that the 15 per cent of the male employees who hold post-graduate degrees were ever subsidized by their employers, it must be assumed that they earned their degrees in the normal way. The recommendation therefore is that a highly valuable privilege be extended to the female employees which would not be shared by their male colleagues.

20. Recommendation No. 46 (paragraph 460 of Chapter 2) would have "federal Crown Corporations and agencies appoint one or more qualified people whose primary duty for the next five to eight years will be to provide for the training and development of women in their organizations." The training and development of men would presumably not be covered by the programme.

21. Recommendation Nos. 26 and 27 (paragraph 341 of Chapter 2) relating to the appointment of women to federal Boards, Commissions, Corporations, councils, advisory committees and Task Forces is another declared application of the same principle. Referring to the fact that appointments to such bodies are made "by Order in Council or by other methods outside the competitive system", the Report says that "the federal government is therefore in an excellent position to take *special measures*, for a time at least, to appoint more women." The discriminatory intention of the Commission could not be more apparent.

22. Recommendation No. 62 (paragraph 513 of Chapter 2) would have the chartered banks "provide more opportunities for women to participate in both in-service and outside training programmes with the objective of their constituting at least 25 per cent of those trained by 1975." This recommendation is vitiated by its reference to a quota.

23. Finally, Recommendation No. 63 (paragraph 522 of Chapter 2), which is directed to department stores, would have them *inter alia* "make a special effort to train more women employees for managerial positions."

24. For reasons which I have now sufficiently explained, I cannot support any of these recommendations. I should add that, if and to the extent that any of these recommendations are interpreted as urging simply the encouragement of women, I would not object to them. However, if I correctly interpret the intention of my colleagues, it is that all of these recommendations contemplate something more than encouragement. There are sentences in the Chapter on politics which sum up the attitude of the Commission. "The Commission does not believe that special consideration should be given to women. Nevertheless we are convinced that for at least an interim period it is necessary to correct the present imbalance between the participation of women and of men in public life." The same intention is explicitly expressed in other Chapters, including the one on criteria and principles, where it is indeed expressed as one of the four principles on which recommendations are based.

### **Higher Rates of Pay for Nurses, etc.**

25. The recommendation is that "the pay rates for nurses, dietitians, home economists, librarians and social workers employed by the federal government be set by comparing these professions with other professions in terms of the value of the work and the skill and training involved."

26. I do not agree with this recommendation. It would have the federal government pay female public servants engaged in traditionally female occupations at higher rates than those obtained in the market with a view to increasing the rates generally paid in Canada to persons engaged in those occupations.

27. The principle that public servants should be paid the going rate outside is still a fairly good one from the point of view of protecting the public. Other considerations might apply in a planned economy in which all salaries are fixed by the government; but I can see no justification for interfering with the market on behalf of certain occupations only. Nor had the Commission any proof before it that the salaries paid to persons engaged in these occupations are unduly depressed when compared to other occupations, having regard to all relevant factors, such as the difficulty of the work, demand and supply, necessary qualifications, etc. It may be noted, moreover, that the list of people who would benefit from the proposal does not include all public servants engaged in traditionally female occupations. If.

as the Commission argues, it is true that all these occupations are under-paid as compared to so-called male occupations, then other female employees such as secretaries should be included.

### **Paid Maternity Leave**

28. The recommendation (No. 17—paragraph 288 of Chapter 2) is that maternity leave be included under unemployment insurance. I am in favour of compulsory maternity leave and support the recommendation to that end. Absence from work due to pregnancy and confinement cannot however be assimilated to unemployment as defined by the Unemployment Insurance Act, since the person affected is not able and willing to work, a fact which the Commission itself recognizes. To amend the Act as suggested would change its purpose and might, indeed, be *ultra vires* the powers of the Canadian Parliament. It would also discriminate against many other people, including other working women who are childless and intend to remain so and also against non-working women, including those who are pregnant, all of whom must contribute their share of the contributions and taxes necessary to make the scheme work.

29. In 1919, when the International Labour Organization adopted Convention number three, concerning the Employment of Women before and after Childbirth,<sup>3</sup> the situation of the woman worker was much more precarious than it is today. The risk of an unwanted pregnancy was still a very real threat to her earning power. A very good case could therefore be made in favour of the collectivity assuming a part at least of the financial consequences of that risk. Today, when parenthood is becoming a matter of choice, the case is not so convincing. In these circumstances, it is legitimate to take other factors into consideration, including what I think should be public policy in the matter of population control. I have commented elsewhere on the population explosion. While I do not think that paid pregnancy leave would in itself affect the birth rate, this recommendation must be read in the light of several other recommendations which, taken together, certainly would. The Commission is recommending paid pregnancy leave, greatly increased family allowances, publicly supported day-care centres and the reduction of the married status exemption under the Income Tax Act for childless couples. If all these recommendations were implemented, the State would be taking over a major part of responsibility for raising children.

30. Since the above lines were written, the government has anticipated the Commission's recommendation by announcing its intention to amend the

<sup>3</sup> The Convention was revised in 1952.



Unemployment Insurance Act to include pregnancy pay. But I can find nothing in the White Paper on the subject which convinces me that I should change an opinion which I formed before reading it.

### **Military and Naval Colleges**

31. The recommendation (No. 71—paragraph 70 of Chapter 3) is that, because women are not admitted to the military and naval colleges, free education at the university level be provided to young women who are willing to undertake an obligation to serve the State or the international community for a determined number of years. To train both young women and young men at the public expense for national or international service is an attractive idea. But as proposed by the Commission, the recommendation is an application of the principle of compensatory treatment which, for reasons already explained, I cannot support. It would also be discriminatory because the commitments which the young women benefiting from the scholarships would have to undertake could not, as things now stand and in terms of personal risk, be "equivalent" to a commitment to serve in the armed forces.

32. There is still another reason why I cannot support the recommendation. I cannot agree that the State should engage in an operation of such magnitude simply because, having regard to the nature and risks of military service, women are excluded from military and naval colleges. If the State is to engage in such an operation, it should be because there is a demonstrated need to train more women for the careers indicated. I do not say that there is no such need; but the Commission has not demonstrated it. On balance, a better case might be made for admitting women to the colleges.

33. The argument might indeed be made that under modern conditions of warfare there is no reason why women should not serve in the armed forces on the same footing as men with all the risks involved. If that were ever to become public policy in Canada, there would be no reason why women should not be admitted to the military and naval colleges. But pending such a fundamental change in policy, the present practice does not discriminate against women.

### **Married Status Exemption under the Income Tax Act**

34. The recommendation (No. 130—paragraph 50 of Chapter 5) is that the married status exemption under the Income Tax Act be considerably reduced. I cannot escape the conclusion that the assumption on which it is based is that the childless wife who prefers to remain at home is a parasite.

It is calculated to force her out of the home into the labour market. Had the Commission been consistent with this philosophy, it should have proposed the complete elimination of the exemption.

35. The plan would favour rich as compared to poor couples. A rich couple could easily absorb the increased taxes resulting from the loss or reduction of the exemption; or to put it another way, the middle-class wife could easily pay the penalty and remain at home. In the case of a couple not so well off, the difference might be just enough to force the wife out of the home into the labour market. The recommendation is indeed calculated to do exactly that.

36. I understand that one of the reasons for this recommendation is that the Commission wants to remove the "stigma" of dependency from the childless wife. This would be done, however, at the expense of the "dependant". Nor would the childless wife become any less "dependent" by reducing the exemption. If she is in fact financially dependent on her husband, he will still have to pay for her upkeep. The reduction of the exemption would indeed increase his financial burden. So that if a purpose of this recommendation is to remove dependency, the objective would be achieved in words only. It is ironical indeed that one of the principal recommendations of a Commission appointed to improve the status of women would have the effect of taking something away from them.

37. The recommendation must, of course, be read in conjunction with the recommendation that family allowances be considerably increased (No. 131—paragraph 51 of Chapter 3); for it will have the same result. Like that recommendation, it would, if implemented, put a premium on having children.

38. Finally, if this recommendation were implemented, it would follow logically that the obligation in law of the husband to maintain his wife should disappear. As the law now stands, a husband is both criminally and civilly obliged to support his wife whether she has children or not. The cost of maintaining her is therefore a non-discretionary expense and should be deductible from taxable income. The recommendation comes very near indeed to advocating a tax on marriage if it does not indeed do so. It is to be noted moreover that this penalty would mean that many young couples would not be helped at the very time when they need help most.

### **Family Allowances**

39. The recommendation is that family allowances be greatly increased—from the maximum \$8.00 now paid monthly for each child to \$40.00 a month, or nearly \$500.00 a year. This would be approximately half the

amounts now paid (\$79.58 monthly) to old age pensioners. Yet the needs of the latter, many of whom live alone without any other financial resources whatsoever, are certainly greater than the needs of children living in families with one and sometimes two parents in paid employment. The cost of the measure would be astronomical (possibly over two billion dollars annually) and would, of course, be inflationary (family allowances were originally introduced as an inflationary measure). I have discussed the question of social priorities in the introduction of this Minority Report. Having regard to the magnitude of the burden which the proposal, if adopted, would put on all taxpayers, I have yet to be convinced that there are not more imperative needs in Canada to which these resources should be directed. This cost, moreover, would have to be borne by childless taxpayers, both male and female, including childless couples. The measure would therefore be discriminatory.

40. I have also given my views regarding the population problem. This recommendation, if implemented, would encourage large families at a time when, if anything, the State should be discouraging them. Nor can I see any reason why, particularly at a time when parenthood is becoming more and more a matter of choice, the State should compensate couples for having children.

41. There is still another reason why I do not agree with this recommendation. The best current thinking in the matter of welfare legislation and the elimination of poverty now recognizes that the fairest and most efficient way to solve the problem of poverty would be for the State to guarantee a minimum annual income to every citizen. I share this view. The Commission's proposal, however, is a piecemeal approach to the problem of welfare which, if adopted, would probably make it harder to introduce the guaranteed annual income.

42. This recommendation, because some of its consequences would be the same, must be read in conjunction with the recommendation that the married status exemption under the Income Tax Act be considerably reduced. I have already commented on the latter recommendation.

### Salaries paid by a Spouse to his Consort

43. It is suggested in paragraph 56 of Chapter 5 that wages or salary paid by a husband to his wife should be deductible for income tax purposes. The reason for the present rule is, of course, to protect the government, and hence taxpayers, against fraud. It does not, as it is sometimes implied, prevent a husband from paying a wage or salary to his wife, but simply from deducting

the amount from his taxable income. The reality of the matter, moreover, is that in the case, for example, of farm work, if a wage is paid to a hired man the money goes off the place, but when it is paid to the wife (if she in fact ever receives it), it remains in the family unit.

44. The correct solution to the problem, if problem there is, would be to permit couples to make a joint return for income tax purposes, something which the Commission does indeed recommend.

### **Day-Care Centres**

45. Under the Canada Assistance Plan, as it now stands, the federal government will pay 50 per cent of the cost of operating day-care centres if the centres are used for welfare purposes as provided by the Act. Under the plan proposed by the Commission, the latter restriction would be removed and the federal government would also be responsible for 70 per cent of the capital costs (No. 118—paragraph 181 of Chapter 4). A considerable amount of money is therefore involved, having regard particularly to the intention that these centres would be established throughout the country at places convenient for their use by all citizens. The Commission calculates that the annual cost would be five hundred million dollars, a figure based on the assumption that only one-fifth of the children who would be entitled to use the centres and whose parents would be taxed to pay for them would use them. Were all Canadian children below the age of six to use the centres, the annual cost would be over five times that amount. And the Commission's calculation does not include the capital cost of constructing the centres.

46. I do favour day-care centres. And I agree that there is an urgent need for more, many more, such centres in Canada. Without them there can be no question of mothers of young children having equality of opportunity in the labour market. This is equally true of a father who is widowed or divorced and left alone with young children. But I envisage these centres becoming eventually extensions of the present school system. This would be desirable for both pedagogical and financial reasons. In any event, whether conceived as extensions of the school system or not, the provision and operation of day-care centres obviously comes under provincial jurisdiction and that is where I think they should remain.

47. I am not saying that the federal government should abandon the field entirely. It is quite proper for the federal authority to assist the provinces under cost-sharing schemes such as the Canada Assistance Plan in matters falling within provincial jurisdiction. That is being done now. It is said, however, that the provinces have not taken sufficient advantage of opportunities



ffered under the Plan. There are two possible reasons for this. The first is related to the question of social priorities which I have discussed in the introduction to this Minority Report. The provinces may think that there are more important ways to invest the taxpayers' money. The second possible reason why the provinces have not made more use of opportunities under the Canada Assistance Plan to seek federal financial assistance in the operation of day-care centres is that the need for such centres is primarily felt at the municipal level where the demand for their establishment must be generated. The municipalities, however, also have their priorities and, what is even more important, financial problems which seem to be greater than those of the provinces. The way to encourage the creation of day-care centres would therefore be to have the provinces considerably increase their contributions under the Canada Assistance Plan as compared to those of the municipalities. The problem is at the municipal level. In these circumstances, I cannot agree with the proposal that more of the burden be transferred from the provinces to the federal government.

48. The solution advocated by the Commission would entail the transfer of large sums of money to all the provinces, including the rich provinces. It does not therefore take into account the problem of regional economic disparities. It is of interest to note that the only provinces which have taken advantage of the Canada Assistance Plan in the matter of day-care centres are the two rich provinces of Alberta and Ontario. I have no precise formula to offer; but had the Commission made some attempt to deal with this problem, my attitude towards the proposal might have been different.

49. The intention of the Commission is that a great deal of money should be poured into day-care centres. Note, however, that these centres would be of only marginal benefit to many taxpayers. I am not thinking so much about childless people, both male and female. They have a social responsibility and if, as I think they should be, day-care centres become an extension of the school system, the principle of the responsibility of all taxpayers for such services has already been admitted. I am thinking rather about women in rural areas where there is little likelihood that such centres would be located in the foreseeable future, something which the Commission itself recognizes. These women and their husbands are also taxpayers. This difficulty enforces my opinion that the problem is really at the municipal level. It is also equitable that it should be, because there is no solid reason why people living in areas where they will not benefit from such centres should contribute to their cost (as taxpayers) on substantially the same basis as the people who will use them.

50. The recommendation also requests the federal government, after consultation with the provinces, to obtain the adoption by Parliament of a separate Day-Care Act. This proposal is neither necessary nor realistic. It is not necessary because under the Canada Assistance Plan the federal government can already contribute up to 50 per cent of the cost of the operation of day-care centres. As to the proposed 70 per cent federal contribution for the construction of such centres, the purpose of the Commission could be achieved by an amendment to the Central Mortgage and Housing Act which would permit the making of loans for such purposes at low rates of interest. Since the Commission has been informed that even now interest and amortization payments are included in the federal contribution, under the Canada Assistance Plan, it seems, indeed, that the provinces might recover half of such capital costs.

51. The real purpose of the Commission seems to be to take day-care centres out of the field of welfare, since contributions by the federal government under the Canada Assistance Plan can only be made for welfare purposes. As I have already indicated, I do not think that day-care centres should necessarily be linked to welfare because I think that they should eventually be part of the school system. But education falls within provincial jurisdiction and, given the climate of Canadian opinion, it is likely to remain there. I do not think, therefore, that the federal authority should become more deeply involved even on a cost-sharing basis. And given the political climate it would be unrealistic indeed to think it could do so. For apart from the constitutional issue involved, it is unlikely that provinces which say that Medicare was imposed on them (whatever the merits of the issue may have been) would welcome a new cost-sharing plan of such proportions as is being proposed by the Commission. The whole purpose of the proposal is to influence the provinces, and indeed to force their hands in a matter falling within provincial jurisdiction. This is dangerous advice at a time when in some of the provinces, political parties are challenging the very basis of Confederation.

### Alimony

52. The recommendation (No. 114—paragraph 142 of Chapter 4) is that the Divorce Act be amended so that the words "educational needs" be added to the list of exceptions where the maintenance of children over the age of 16 years may be ordered as a charge falling to the parents. This would mean that a court granting a divorce would have the power to order a parent to maintain children (which would include the cost of tuition fees, etc.) even while they are at university. Although my sympathy is with the children, the proposal is patently discriminatory. As the law now stands, parents are

under no obligation to maintain children beyond fixed maximum ages, unless the children are prevented by illness or disability from supporting themselves, nor do parents have any obligation to send their children to university. It would be discriminatory and unfair to impose such an obligation on divorced parents only.

## Pension Plans

53. The Commission recommends that women have the same rights under pension plans as men, including the payment of the same survivor benefits to their widowers.<sup>4</sup> No one could disagree with the principle on which this recommendation is based. Women, however, would have to pay higher premiums for the added protection. The Commission has no convincing evidence before it that women would be prepared to do this; but if in fact they are I would have no hesitation in supporting the recommendation.

## Canada (Quebec) Pension Plan

54. The purpose of the recommendation (No. 2—paragraph 103 of Chapter 2) is to make it possible for a spouse who remains at home to participate in the Canada (Quebec) Pension Plan. I would hope that this will be possible. The recommendation says, however, that in determining the means to that end, the federal government explore the feasibility of “crediting to the spouse remaining at home a portion of the contributions of the employed spouse and those contributions made by the employer on the spouse’s behalf.” The idea is that, on the retirement of the employed spouse, the spouse who has remained at home would receive a share in the pension benefits earned by the employed spouse. My attitude towards this part of the recommendation is ambivalent. I agree that something should be done to protect the wife against the possibility of divorce or separation. But the proposal goes too far. If there is any logic in it, that same logic would require that the wife also receive part of her husband’s salary cheque. The proposal goes beyond anything contemplated by the recently adopted amendment to the Quebec Civil Code which provides that failing a marriage contract the spouses will be deemed to be married under the regime of the community of acquests or the new marital regime proposed for Ontario. Under both of these marital regimes, there will be no division of property until the dissolution of the marriage.<sup>5</sup> It must be remembered, moreover, that as the law now stands, a male pensioner is still both civilly and criminally liable for the

<sup>4</sup> Recommendation Nos. 12, 31, 49, 53 and 59, paragraphs 259, 386, 466, 481 and 497 of Chapter 2.

<sup>5</sup> In Quebec, the regime could also be liquidated upon judicial separation or conventional change.

maintenance of his wife. Would it be fair to retain this obligation in a situation where his wife is in full control of a part of his pension cheque? It seems to me that to deliver one cheque to one consort and another to the other will inevitably give rise to difficulties within the marriage. I also wonder whether the State has the moral right to take away from a spouse a benefit which has accrued because of his or her employment and contribution through the payment of premiums. It might be different if the State paid all the premiums.

55. Finally, the proposal would not bring under the Plan all the women who are now excluded because they make no personal contribution to it. These include "non-working" single women, widows and wives of men who for one reason or another cannot or do not work for pay.

56. As I have already indicated, I would be in favour of bringing all women under the Plan if that were possible. It is to be noted, however, that women can purchase Canadian Government annuities as well as annuities offered by commercial companies.

57. There would also be administrative difficulties in operating the plan but these would not, I imagine, be insurmountable.

## The Senate

58. The recommendation (No. 138—paragraph 28 of Chapter 7) on the Senate is one of the weakest in the Report. Insofar as it is based on the principles of compensatory or special treatment, I must reject it for the reasons explained in the introduction to this Minority Report. It would have the effect, moreover, of establishing a quota for female members of the Senate. There seems, however, to be another reason for it which I find equally objectionable. It is that sex is a proper basis for political representation. There is no more reason why women should be represented in the Senate by women than that men should be represented by men. A senator represents a constituency made up of both men and women; and if a woman can represent men, women can be represented by men.

59. A woman should not be appointed to the Senate because she is a woman any more than a man should be appointed because he is a man; and there should certainly be no attempt to strike a mathematical balance in the Senate which reflects the proportion of women in the country. Senators should be appointed by reference to their qualifications as individuals, having in mind of course the geographical factors which cannot be ignored in a federation like Canada.



60. Having stated my position in this matter, I hope it will not be distorted to mean that I am opposed to having women in the Senate. The contrary is true and I would hope that many more women will become Senators. But they must owe their appointments to their qualifications as individuals and not simply to the fact that they are women.

### **Female Directors in Corporations**

61. There is a suggestion in Chapter 2 that women shareholders in corporations should vote for women as directors.<sup>6</sup> Suggestions like this are self-defeating. Would the Commission suggest that men vote for directors because they are men?

### **Naturalization**

62. The law now extends favourable treatment to the alien wife of a Canadian citizen in the matter of naturalization. The recommendation (No. 146—paragraph 18 of Chapter 8) is that the alien spouses of Canadian citizens, whatever their sex, be treated the same. The recommendation is valid in principle and I would like to be able to support it. I am worried, however, by the possibility that if implemented it will probably make it more difficult than it now is for the alien wives of Canadian citizens to become naturalized. The danger is that the government, in order to bring about formal equality, will subject such wives to the same relatively unfavourable residential qualifications now required of all other aliens; and I cannot see how anyone would benefit from such a solution. It is unlikely that the government would reduce the qualifications now required of aliens generally.

63. There is also the possibility that because of her marriage, the alien wife may have become stateless; and in that case the existing rule has the great advantage that it shortens the period of time she will have to remain without a country.

### **Passports**

64. The Commission sees no reason why a woman should have to obtain a new passport on marriage (No. 104—paragraph 45 of Chapter 4). But there is a very good reason for the rule. One of the purposes of a passport is to identify a citizen travelling abroad. This is particularly important because the government is under an obligation to protect the citizen diplomatically

<sup>6</sup> Paragraph 46.

should this become necessary. Another purpose is to facilitate the return to Canada of the citizen by providing quick identification by the immigration authorities. It is therefore important that all essential factors which would help identify the holder of the passport be indicated in the passport. One of these factors in the case of a woman is her married status, since normally she is known by the name of her husband. But it does not follow that the passport must necessarily be issued in her married name. Under existing regulations, she can, if she so desires, obtain a passport in her maiden name, but in that event, there will be a notation on the passport giving the name of her husband. The Commission feels that this is discriminatory because a man's passport does not have a notation on it indicating the name of wife. The reason for the difference in treatment would seem to be simple: since most women are in fact known by the name of their husbands, a reference to these names helps to identify them; whereas in most cases, a reference on a man's passport to his wife's name would not help to identify him.

### **Canadian Human Rights Commission and Status of Women Council**

65. I endorse the recommendation (No. 165—paragraph 7 of Chapter 10) that a federal Human Rights Commission be created, but I have one important reservation since I think that, in addition to its regulatory and quasi-judicial functions this Commission should promote respect for human rights in Canada through research, the co-ordination of the work of voluntary organizations, the sponsoring of conferences and seminars, etc. I therefore think that the functions of the proposed Status of Women Council (No. 166— paragraph 17 of Chapter 10) could be performed by the Human Rights Commission.

### **Final Comment**

66. I have one more comment which I want to make not in my capacity as a Commissioner, but as a citizen and a taxpayer. I have no doubt that the opinion of a Commission consisting of private, disinterested citizens can be helpful to a government which is developing new or reviewing old policy, or which wants to determine the real facts in a certain situation; but my experience on this Commission has convinced me that the procedures of these bodies must be rationalized and systemized in the interest of economy and efficiency. This could be done without interfering with their essential independence. As things now stand, each new Royal Commission appointed by the government comes into existence as a completely new entity without much benefit of the experience of other Commissions. It must find a locale, employ a secretariat and decide on its methods of work and rules of procedure.

Even its secretariat may have had little or no experience with the work of other Royal Commissions. This is bound to result in delays and possibly in false starts and mistakes with consequent unnecessary expense. My suggestion is that there should be established somewhere in the public service a skeleton staff with responsibility for all Royal Commissions. This staff could be expanded or contracted as circumstances might require. I also think that there should be some officer in the public service with authority to take decisions, under the general supervision of a commission, in all administrative matters. This would free the Commissioners to do the job for which they are appointed, which is to advise the government on the matters covered by their mandate.

67. It has been suggested to me that this comment may be interpreted as a criticism of the officers in the public service now responsible for Royal Commissions. That is certainly not my intention. The Administrative Division of the Privy Council has served the Commission well. My criticism is not aimed at it or any other part of the public service but at a system which, in my opinion, puts too heavy an administrative burden on Commissioners who are appointed not to administer but to advise.

John Humphrey





### Secretariat of the Commission

The Commissioners wish to thank the Secretariat of the Royal Commission for their hard work and co-operation in carrying out the research programme and organizing the public hearings, as well as for the writing and editing required for the Report.

We also wish to give special acknowledgement to the Administrative Support Staff. Due to their previous experience with other Royal Commissions, they were able to save us time and trouble from the first days after the Commission was set up until the termination of our work.

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 Carolyn Wells  
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- BERTRAND, Marie-Andrée. *Women in the Criminal Law.*
- BOSSEN, Marianne. *Patterns of Manpower Utilization in Canadian Department Stores.*
- BOSSEN, Marianne. *Manpower Utilization in Canadian Chartered Banks.*
- BRUCE, Jean. *Eskimo Women in the Keewatin Region.*
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- CARVER, Anne. *The Participation of Women in Political Activities in Canada.*
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- GAUDET, Bérengère. *Study on Family Law.*
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## Consultants

The Commission is indebted to the many specialists and experts who helped in discussions, consultations and correspondence. They include, among others, the following names. It should be noted that the inclusion of a name in this list does not imply that the person concerned necessarily agrees with the views expressed in the Report.

- |   |  |
|---|--|
| Susan Abdulmessih (Toronto)               | Fernand Fontaine (Ottawa)                  |
| R. W. P. Anderson (Toronto)               | Lawrence K. Frank (Belmont, Mass., U.S.A.) |
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| E. J. Etchen (Toronto)                    |  |

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 Esther Peterson (Washington, D.C.,  
 U.S.A.)  
 Jenny Podoluk (Ottawa)  
 Arthur Porter (Toronto)  
 John Porter (Ottawa)  
 Yvonne R. Raymond (Montreal)  
 Laurette Robillard (Montreal)  
 Albert Rose (Toronto)  
 Alice Rossi (Baltimore, Md., U.S.A.)  
 Marion Royce (Toronto)  
 Lucie L. Ryan (Quebec City)  
 Nadia Saad (Geneva)

Pierrette Sartin (Paris)  
 Anne Wilson Schaeff (St. Louis, Mo.,  
 U.S.A.)  
 Benjamin Schlesinger (Toronto)  
 Margaret Standen (Hamilton)  
 H. Heward Stikeman (Montreal)  
 Robert Stirling (Calgary)  
 Florence J. Stone (Toronto)  
 H. D. Woods (Montreal)  
 Ralph Wormleighton (Toronto)  
 F. L. Wright (Montreal)  
 A. H. J. Zaitlin (Montreal)

## Submissions

(Listed by Number, Organization and/or Individual, and Place of Residence)

\*Denotes submissions not presented at Hearings

1. The Catholic Women's League of Canada,  
 Sacred Heart Parish,  
 Whitehorse, Y.T.
- ✓ 2. Nancy Bryan,  
 Fredericton, N.B.
3. Aileen D. Powers,  
 Edmonton, Alta.
4. Stephen J. Skelly,  
 Winnipeg, Man.
- ✓ 5. Planned Parenthood of Toronto,  
 Toronto, Ont.
- ✓ 6. \*Joan B. Hayes,  
 Halifax, N.S.
- ✓ 7. \*Confidential *Miss Marianne Kossel*
8. A Group of Women,  
 St. Catharines, Ont. *A. Thomson*
9. \*Winnifred M. Wood,  
 Hamilton, Ont.
10. The Honourable Mary Y. Carter,  
 Saskatoon, Sask.
11. \*Carrie A. Berndtsson,  
 Robsart, Sask.
12. Mrs. Bruce Robertson,  
 Bracebridge, Ont.
- ✓ 13. \*Alex E. MacRae,  
 Ottawa, Ont.
14. \*L. Livy,  
 Winnipeg, Man.
15. The Family Planning Federation,  
 Montreal, Que.
16. \*Confidential *Luce LaMarche*
- ✓ 17. A Group of Women,  
 Roberval, Que. *K. Levesque*
- ✓ 18. \*Confidential *Mrs. Jean Brown*
- ✓ 19. \*Mrs. G. A. Fulleringer,  
 Dorval, Que.
- ✓ 20. \*Suzanne Laurin, *French only*  
 Ste. Thérèse, Que.
- ✓ 21. \*Viola Campbell,  
 Lachine, Que.
22. John Kaye,  
 Toronto, Ont.
23. Gwendoline Bower-Binns,  
 Ottawa, Ont.
24. \*May J. Harding,  
 Aylesford, N.S.
25. \*North Shuswap Women's Institute,  
 Anglemont, B.C.
26. Alberta Association of Registered  
 Nurses,  
 Task Committee on the Status of  
 Women,  
 Edmonton, Alta.
27. The Saskatchewan Jaycettes,  
 Regina, Sask.
28. Sherill Jackson,  
 Montreal, Que.
29. The University Women's Club  
 of North York,  
 Willowdale, Ont.



30. ✓ \*Cariboo District Women's Institute Board,  
Quesnel, B.C.
31. ✓ Nova Scotia Home Economics Association,  
Wolfville, N.S.
32. ✓ Anne M. Stalport,  
Ancienne-Lorette, Que.
33. ✓ \*Patricia Handy,  
Prince George, B.C.
34. Fay Bland,  
Ste Anne de Bellevue, Que.
35. \**La Symphonie Féminine de Montréal,*  
Montreal, Que.
36. ✓ Office Overload Co., Ltd., and  
Drake Personnel,  
Divisions of Drake International  
Services Limited,  
Toronto, Ont.
37. ✓ \*Ruth M. Cudmore,  
Kinross Post Office,  
P.E.I.
38. Confidential
39. ✓ \*The Children's Aid Society of  
Winnipeg,  
Winnipeg, Man.
40. ✓ Marianne Lafon,  
Macdonald College, Que.
41. ✓ \*Confidential
42. ✓ \*Marilyn Kalkfleisch,  
Varna, Ont.
43. ✓ \**École des infirmières,*  
*Hôpital Général de Verdun,*  
Verdun, Que.
44. ✓ Barbara Farley,  
Toronto, Ont.
45. Lise Robitaille-Bureau,  
Ste. Thérèse de Blainville, Que.
46. ✓ \*F. M. "Toby" Rainey,  
Courtenay, B.C.
47. Mary J. Francis,  
Edmonton, Alta.
48. ✓ \*Mrs. K. T. Hornby,  
Naramata, B.C.
49. ✓ *L'Association féminine d'Éducation  
et d'Action sociale,*  
Richelieu, Que.
50. ✓ \*Mrs. J. Anderson,  
Saskatoon, Sask.
51. \*Dorothy Nys,  
Mexico, D.F., Mexico.
52. The Commission on Women's Work  
of the Anglican Church of  
Canada,  
Toronto, Ont.
53. Marcel Lambert,  
Montreal, Que.
54. Alberta Jaycettes,  
Calgary, Alta.
55. Eleanor S. Dunn,  
Ottawa, Ont.
56. The Catholic Women's League of  
Canada,  
Ottawa, Ont.
57. British Columbia Women's  
Institute,  
Edgewood, B.C.
58. United Nations Association,  
Women's Section,  
Toronto, Ont.
59. Jean Keller,  
Toronto, Ont.
60. Muriel O. Shapka,  
W. Los Angeles, California.
61. \*Samuel A. Moore,  
Halifax, N.S.
62. \*Roberta G. Jollimore,  
Halifax, N.S.
63. Confidential
64. Claire Hammel Dupont,  
Montreal, Que.
65. The Pioneer Women's Organization  
of Canada,  
Montreal, Que.
66. A Group of Women and Men,  
Montreal, Que.
67. The Provincial Council of Women  
of Saskatchewan,  
Saskatoon, Sask.
68. Visiting Homemakers Association,  
Toronto, Ont.
69. Ontario Federation of Labour,  
Toronto, Ont.
70. The Family Service Association,  
of Edmonton,  
Edmonton, Alta.
71. Dorothy Wyatt,  
St. John's, Nfld.
72. Nova Scotia Woman's Christian  
Temperance Union,  
Halifax, N.S.

73. Board of Evangelism and Social Action,  
Presbyterian Church in Canada,  
Toronto, Ont.
74. Association of Homemakers' Clubs  
of Saskatchewan,  
Wood Mountain, Sask.
75. Sally P. Lippman,  
Montreal, Que.
76. \*Dora Kuehn,  
Lloydminster, Sask.
77. \*Canadian Federation of University  
Women,  
Grand Falls Branch,  
Grand Falls, Nfld.
78. The Family Life Education  
Council of Edmonton,  
Edmonton, Alta.
79. Sisterhood Congregation Beth  
Israel,  
Vancouver, B.C.
80. The Manitoba Bar Association,  
Winnipeg, Man.
81. \*Lenore Wilkinson,  
Willowdale, Ont.
82. University Women's Club  
of Edmonton,  
Status of Women Committee,  
Edmonton, Alta.
83. The Regina Home Economics Club,  
Regina, Sask.
84. \*Canadian Woman's Christian  
Temperance Union,  
Regina, Sask.
85. \*Joan C. McKenna,  
Holland Landing, Ont.
86. The Soroptimist Club of Halifax,  
Halifax, N.S.
87. New Brunswick Association of  
Social Workers,  
Saint John, N.B.
88. Vancouver Primrose Club,  
Crescent Beach, B.C.
89. Ontario Jaycettes,  
Chatham, Ont.
90. Department of Extension of the  
University of Alberta,  
Edmonton, Alta.
91. Canadian Association of Hospital  
Auxiliaries,  
Ottawa, Ont.
92. \*Alice James,  
Vancouver, B.C.
93. \*Antoinette Frawley,  
Vancouver, B.C.
94. Canadian Women's Press Club,  
Toronto, Ont.
95. \*Kay Cornish,  
Toronto, Ont.
96. G. C. Payette,  
Montreal, Que.
97. Canadian Clubs of  
Zonta International,  
Toronto, Ont.
98. The Junior League of Toronto,  
Toronto, Ont.
99. United Electrical, Radio and  
Machine Workers of America  
(UE),  
Toronto, Ont.
100. Kathryn Keate, 2C,  
Vancouver, B.C.
101. New Brunswick Home Economics  
Association,  
Saint John East, N.B.
102. *Cercles de Fermières de la 1C. franc*  
*Province de Québec, 1C. English*  
Iberville, Que.
103. \*The Windsor Club,  
Canadian Federation of University  
Women, 2C  
Windsor, Ont.
104. The Calgary Home Economics  
Association,  
Calgary, Alta.
105. United Community Services of the  
Greater Vancouver Area,  
Vancouver, B.C.
106. Donna A. Young,  
Fredericton, N.B.
107. B'nai B'rith Women,  
District 22,  
Toronto, Ont.
108. \*Hazel Goldstein,  
Burlington, Ont.
109. Saskatoon Women Teachers'  
Association,  
Saskatoon, Sask.
110. The Salvation Army, Canada,  
Women's Organization,  
Toronto, Ont.
111. Vladimir Salyzyn,  
Edmonton, Alta.

112. ✓ Iva Z. Y. Conboy,  
Chilliwack, B.C.
113. ✓ Norma Ellen Verwey,  
Vancouver, B.C.
114. ✓ John Howard Society,  
Regina, Sask.
115. ✓ Tri-Vettes,  
Scarborough, Ont.
116. ✓ \*Bell Telephone Company of  
Canada,  
Montreal, Que.
117. ✓ Rita M. Moran,  
Edmonton, Alta.
118. ✓ Sherbrooke Jaycettes,  
Sherbrooke, Que.
119. ✓ Mothers' Union,  
St. Andrews Anglican Church,  
Etobicoke, Ont.
120. ✓ *Conseil étudiant des filles,*  
*Collège de Ste-Anne de la*  
*Pocatière,*  
La Pocatière, Que.
121. ✓ The East-Enders Society,  
Vancouver, B.C.
122. ✓ Alpha Chapter of Beta Sigma Phi,  
Yellowknife, N.W.T.
123. ✓ V. M. Morse,  
Ottawa, Ont.
124. ✓ A Group of Women,  
Ste. Thérèse, Que.
125. ✓ Yvonne R. Raymond,  
Montreal, Que.
126. Central Executive Committee of  
the Communist Party of Canada,  
Toronto, Ont.
127. ✓ Room 301, School Class of Vincent  
Massey Collegiate,  
Fort Garry,  
Winnipeg, Man.
128. ✓ Marriage Counselling Centre,  
Montreal, Que.
129. ✓ *L'Ordre des Dames Hélène-de-*  
*Champlain Inc.,*  
Ste Agathe-des-Monts, Que.
130. ✓ R. Elliott,  
Victoria, B.C.
131. ✓ The National Council of Women  
of Canada,  
Ottawa, Ont.
132. ✓ \*Lily M. McQueen,  
Vancouver, B.C.
133. N.D.P. Provincial Women's Com-  
mittee, Saskatchewan Section,  
Regina, Sask.
- ✓ 134. Elmer Laird,  
Davidson, Sask.
135. Confidential
136. Helen Gougeon Schull and  
Lu Conner,  
Rosemère, Que.
137. The Westmount-Notre-Dame-de-  
Grâce Branch,  
Voice of Women,  
Montreal, Que.
138. \*M. E. MacGillivray,  
Fredericton, N.B.
139. The Congress of Canadian Women,  
Toronto, Ont.
140. Chamber of Commerce,  
District of Montreal,  
Montreal, Que.
141. Canadian Federation of  
University Women,  
New Brunswick Section,  
Fredericton, N.B.
142. Business and Professional  
Women's Club,  
Medicine Hat, Alta.
143. \*Patricia Magee,  
St. Hubert, Que.
144. Louyse Ouelet-Savoie,  
Montreal, Que.
145. Canadian Institute of Onomastic  
Sciences,  
Winnipeg, Man.
146. The Minus Ones,  
Winnipeg, Man.
147. The Canadian Federation of  
Business and Professional  
Women's Clubs,  
Ottawa, Ont.
148. National Labour Cooperative  
Committee,  
Ottawa, Ont.
149. The Association of Administrative  
Assistants or Private Secretaries,  
Toronto, Ont.
150. Christine Bennett,  
Toronto, Ont.
151. Confidential
152. *La Société d'Étude et de*  
*Conférences,*  
Montreal, Que.

153. Seminars in Psychology, Pointe Claire, Que.
- ✓ 154. New Democratic Party, Ottawa, Ont.
- ✓ 155. The Quebec Federation of Women, Montreal, Que. *10. English + French*
- ✓ 156. Farm Women's Union of Alberta, Edmonton, Alta. *10. French*
157. Sherrie E. Tutt, Rouleau, Sask.
158. \*Patricia Brandlmayr, Burnaby, B.C.
159. The Voice of Women, Edmonton, Alta.
160. Young Women's Christian Association of Canada, *Mary* Toronto, Ont. *20.*
161. Mrs. Gaston Poitras, Lac St. Jean, Que.
- o 162. \*Confidential *Mrs. Irene Howard*
163. League for Socialist Action, Toronto, Ont.
164. Provincial Council of Elizabeth Fry Societies of Ontario, Ottawa, Ont.
165. The Richelieu Valley University, Women's Club, Beloeil, Que.
166. A Group of Women, St. Andrew's United Church, Beloeil, Que. *10. English*
167. A Group of Women, Ottawa, Ont.
- ✓ 168. Victoria Day Care Services, Toronto, Ont.
169. The Association for the Modernization of Canadian Abortion Laws, Ottawa, Ont.
170. A Group of Women, *(1. ...)* Outremont, Que.
- ✓ 171. Professor and Mrs. W. H. Hilborn, Fredericton, N.B.
- ✓ 172. *La Guilde familiale du Domaine St-Sulpice*, Montreal, Que.
173. Voice of Women, Regina, Sask.
174. St. Mark's Women's Association, St. Mark's Anglican Church, St. Laurent, Que.
175. The Women's Institutes of Nova Scotia, Musquodoboit, N.S.
176. The Women's Group of the London and Middlesex Ridings Association of the New Democratic Party, London, Ont.
177. Patience Wanklyn, Montreal, Que.
178. Canadian Committee on the Status of Women, Don Mills, Ont.
179. Alberta Home Economics Association, Calgary, Alta.
- ✓ 180. Christina M. Willick, Vancouver, B.C.
181. The Canadian Home Economics Association, Vancouver Committee, Vancouver, B.C.
182. *Cercle d'études et de conférence Julien*, *French only* Trois-Rivières, Que.
183. The Montreal Council of Women, Montreal, Que.
184. United Fishermen and Allied Workers' Union, Vancouver, B.C.
185. Sheila M. Bennie, Vancouver, B.C.
186. \*Christiana S. Marshall, Ottawa, Ont.
187. Wilma Brown, Regina, Sask.
188. Children's Aid Society of Vancouver, Vancouver, B.C.
189. Society for the Protection of Women and Children, and the Family Service Association, Montreal, Que.
- ✓ 190. Home Economics Association, Edmonton, Alta.
191. The Board of Directors, Day Nursery Centre, Winnipeg, Man.
192. The Canadian Federation of University Women, Sudbury, Ont. *+ Appendix 1*



193. ✓ Vera G. Ablack,  
Ottawa, Ont.
194. ✓ Association of United Ukrainian  
Canadians, Women's Committee  
of the National Executive  
Committee,  
Toronto, Ont.
195. ✓ Students of Templeton Senior  
Secondary School,  
Vancouver, B.C.
196. ✓ Toronto Home Economics  
Association,  
Toronto, Ont.
197. ✓ The Canadian Physiotherapy  
Association,  
Toronto, Ont.
198. ✓ Ottawa Nursery School Association,  
Ottawa, Ont.
199. \*Ethel E. Racine,  
Ottawa, Ont.
200. ✓ Canadian Association for Adult  
Education,  
Toronto, Ont.
201. ✓ Georgina May Rodden,  
Montreal West, Que.
202. ✓ Rosemarie A. Hoey,  
Ottawa, Ont.
203. ✓ Margaret M. Van de Pitte,  
Edmonton, Alta.
204. ✓ Catherine Jones,  
Aylmer East, Que.
205. ✓ The Street Haven at the Crossroads,  
Willowdale, Ont.
206. ✓ Cecilia Wallace,  
Toronto, Ont.
207. \*Dorothy V. Bishop,  
Claremont, Ont.
208. Mary E. Hansen,  
Prince George, B.C.
209. The St. John's Club,  
Canadian Federation of  
University Women,  
St. John's Nfld.
210. ✓ Suzanne Pelletier,  
Quebec, Que.
211. Zenny Burton,  
Regina, Sask.
212. \*The Children's Aid Society of  
Western Manitoba,  
Brandon, Man.
213. Provincial Council of Women,  
New Westminster, B.C.
214. Marianne A. Beichel,  
Vancouver, B.C.
215. Hilda A. J. Marshall,  
Victoria, B.C.
216. \*Mildred H. Marshall,  
Toronto, Ont.
217. University of British Columbia,  
Committee of Mature Women  
Students,  
Vancouver, B.C.
218. Mrs. D. Thyer,  
Murrayville, B.C.
219. The Dawson Creek Business and  
Professional Women's Club,  
Dawson Creek, B.C.
220. University Women's Club of  
Woodstock,  
Status of Women Committee,  
Ingersoll, Ont.
221. St. Joan's International Alliance,  
Canadian Section,  
Toronto, Ont.
222. \*Theresa D. Harries,  
Calgary, Alta.
223. \*Eleanor D. Lynch,  
Chemainus, B.C.
224. A Group of Women,  
NDP Workshop,  
Saskatoon, Sask.
225. Voice of Women,  
Calgary, Alta.
226. \*Hazel Wigdor,  
Toronto, Ont.
227. \*Confidential
228. May Taylor and Ruth McGill,  
Regina, Sask.
229. Canadian Polish Women's  
Federation in Canada,  
Toronto, Ont.
230. Hilda Babineau,  
Vancouver, B.C.
231. Edmonton Women Teachers' Club,  
Edmonton, Alta.
232. The Delta Kappa Gamma Society,  
Toronto, Ont.
233. \*Confidential
234. The University Women's Club,  
Vancouver, B.C.
235. Elaine McAndrew,  
Pointe Claire, Que.

236. Grace Worrall,  
Nanaimo, B.C.
237. The Delta Kappa Gamma Society, t  
Burnaby, B.C.
238. Women's International League for Peace and Freedom,  
Vancouver, B.C.
239. The Canadian Dietetic Association, t  
Toronto, Ont.
240. Raya Longuist,  
Burnaby, B.C.
241. Carol J. Hudgins,  
Waterloo, Ont.
242. \*The Moncton Jaycettes,  
Moncton, N.B.
243. The Ontario Association of Social Workers,  
Western Ontario Branch,  
London, Ont.
244. Charlottetown Business and Professional Women's Club,  
The Prince Edward Island Branch of the Canadian Federation of University Women,  
The Zonta Club of Charlottetown,  
Charlottetown, P.E.I.
245. A Group of Women from a Canadian Indian Reserve,  
Mary Two Axe Earley,  
Caughnawaga, Que.
246. Women's Auxiliary,  
United Autoworkers Union,  
Local 360,  
London, Ont.
247. Sue Sullivan,  
Marie Ullyett,  
 Sylvia M. Williams,  
Ottawa, Ont.
248. Voice of Women,  
Victoria, B.C.
249. Alberta Women's Institute,  
Olds, Alta.
250. Dorothy E. Stogre,  
Penticton, B.C.
251. \*A Group of Business Women of Terrace,  
Terrace, B.C.
252. Micheline Goulet,  
Quebec, Que.
253. Clara Yellowknee,  
Slave Lake, Alta.
- ✓254. Inez Baker,  
Willowdale, Ont.
255. Margaret Torrance Overweel,  
Toronto, Ont.
- ✓256. *La Fédération des Services sociaux à la Famille du Québec,*  
St. Jean, Que. *French only*
257. *Service de Préparation au Mariage de Montréal,*  
Montreal, Que. *French only*
258. Mrs. W. E. D'Altroy,  
Burnaby, B.C.
259. Izzette Mitchell,  
Medicine Hat, Alta.
260. St. John's Club,  
Business and Professional Women's Club,  
St. John's, Nfld.
261. Vancouver (Kingcrest),  
Business and Professional Women's Clubs of British Columbia and the Yukon,  
Vancouver, B.C.
262. *Union de Parents du Grand Shawinigan,*  
Shawinigan, Que. *10.12.10*
263. *La Ligue des Femmes du Québec,*  
Quebec, Que.
264. Lidia Maria Adamkiewicz, *10. French*  
Montreal, Que. *10. French*
- ✓265. Roland Gosselin, *Canada*  
St. Hyacinthe, Que. *10. French*
- ✓266. Mrs. Solveig Ryall,  
Don Mills, Ont.
267. \*Nursing Students of St. Joseph's Hospital,  
Class of 1969,  
Hamilton, Ont.
268. Margaret Henderson,  
Calgary, Alta.
269. W. R. S. Henderson,  
Calgary, Alta.
270. \*Bob Terlesky,  
Prince George, B.C.
271. Women of the Saskatchewan Farmers Union,  
Saskatoon, Sask.
272. A Group of University Graduates,  
Calgary, Alta.
- ✓273. *La Fédération des Femmes canadiennes-françaises,*  
Ottawa, Ont.

274. ✓ \**Action catholique indépendante*,  
Ste. Thérèse, Que.
275. ✓ *Le Cercle des Femmes Journalistes*  
*Inc.*,  
Montreal, Que.
276. ✓ Frances Telford,  
Vancouver, B.C.
277. ✓ Confidential M<sub>14</sub>
278. ✓ Wilma Van Nus and  
Elaine Moonen,  
Vancouver and West Vancouver,  
B.C.
279. Bonita M. Bridge,  
Winnipeg, Man.
280. ✓ Young Socialists,  
Toronto, Ont.
281. Marielle Demorest,  
Richmond, B.C.
282. Driver United Church Women,  
Driver, Sask.
283. Ontario Society of Medical  
Technologists,  
Toronto, Ont.
284. ✓ \*Ellen S. Baar,  
Vancouver, B.C.
285. ✓ \*Evva L. Weber,  
Terrace, B.C.
286. ✓ *L'Association féminine d'Éducation*  
*et d'Action sociale*,  
Boucherville, Que.
287. ✓ Saskatchewan Home Economics  
Association,  
Regina, Sask.
288. ✓ Alta Vista Women's Progressive  
Conservative Association,  
Ottawa, Ont.
289. ✓ Claire Dawson,  
Toronto, Ont.
290. ✓ Eleanor E. McMullan,  
Victoria, B.C.
291. ✓ \*Susan McMaster,  
Vancouver, B.C.
292. Alberta Women's Liberal Associa-  
tion,  
Status of Women Committee,  
Calgary, Alta.
293. Mrs. P. Stafford and  
Mrs. J. Cooling,  
West Vancouver, B.C.
294. University Women's Club,  
Regina, Sask.
295. Women's Organization of the New  
Democratic Party,  
Yorkton, Sask.
296. Women's *Ad Hoc* Committee of the  
Saskatchewan Federation of  
Labour, C.L.C.,  
Regina, Sask.
297. \*Mrs. L. J. Bach,  
Claresholm, Alta.
298. The Family Bureau of Greater  
Winnipeg,  
Winnipeg, Man.
299. Federated Women's Institutes of  
Canada,  
Ottawa, Ont.
300. Canadian Library Association,  
Ottawa, Ont.
301. The Canadian Teachers'  
Federation,  
Ottawa, Ont.
302. The Federation of Medical  
Women of Canada and other  
Canadian Physicians,  
Rockcliffe, Ont.
303. *L'Association féminine d'Éducation*  
*et d'Action sociale*,  
Montreal, Que.
304. United Church of Canada,  
Toronto, Ont.
305. Consumers' Association of Canada,  
Ottawa, Ont.
306. The Association of Registered  
Nurses of Newfoundland,  
St. John's, Nfld.
307. The Board of Notaries of the  
Province of Quebec,  
Montreal, Que.
308. *Châtelaine*,  
Montreal, Que.
309. Canadian Nurses' Association,  
Ottawa, Ont.
310. Alberta Native Women's  
Conference,  
Edmonton, Alta.
311. The Imperial Order Daughters of  
the Empire,  
Toronto, Ont.
312. Women's Federation,  
Allied Jewish Community Services,  
Montreal, Que.

313. The Women's Section of the Canadian Religious Conference, Ottawa, Ont. *IC. French*
314. Young Men's and Young Women's Hebrew Association and Neighbourhood House Services, Montreal, Que. *IC. English*
315. The Local Council of Women, Windsor, Ont.
316. Senior Citizens' Forum, Montreal, Que.
317. Professional and Voluntary Social Service, Montreal, Que. *IC. French*
318. The Manitoba Volunteer Committee on the Status of Women, Winnipeg, Man. *IC. English*
319. Parents Without Partners, Ottawa Chapter, Ottawa, Ont.
320. \*Dorothy Allen, Ottawa, Ont.
321. Jean L'Espérance, Elizabeth Dohan, and Nancy Phillips, Montreal, Que.
322. Yvonne R. Morissette, Montreal, Que.
323. Cercle des Fermières, Alma, Que. *Mrs. L. Tremblay*
324. Committee of the Day Care Section of the Citizens' Committee on Children, Ottawa, Ont.
325. La Fédération des Unions de Familles, Montreal, Que. *Gertrude La*
326. L'Association des Religieuses enseignantes du Québec, Montreal, Que. *French on*
327. Association des Veuves de Montréal Inc., Montreal, Que.
328. Canadian Women's Press Club, Regina, Sask.
329. \*Joan C. Johnson, Toronto, Ont.
330. Beatrice M. Reeve, Southampton, Ont.
331. Groupe «échanges culturels» de Québec, Québec, Que.
332. Mrs. R. A. Bach, Ottawa, Ont.
333. The Junior League of Montreal Inc., Mrs. Robert O'Brien, Montreal, Que.
334. \*Colette Potvin, Montreal, Que. *French on*
335. La Jeune Chambre de Québec, Inc., Québec, Que. *Mrs. Charlotte*
336. \*Suzel T. Perron, Westmount, Que. *French on*
337. Margaret M. Gaudreau, Ste. Thérèse, Que.
338. B. MacDonald, Ottawa, Ont.
339. Quebec Provincial Council of University Women's Clubs, Dorval, Que.
340. Groupe personnaliste de Québec, C. Autin, Québec, Que.
341. Jacqueline Dineen, Toronto, Ont.
342. Federation of Women Teachers' Associations of Ontario, Toronto, Ont.
343. L'Association des Femmes diplômées des Universités, Section française du Québec, Ste. Foy, Que.
344. Medical Students' Society, McGill University, Montreal, Que. *IC. French on*
345. \*Mrs. W. D. Hall, Weston, Ont.
346. Chatelaine, (Toronto Section), Toronto, Ont.
347. Confédération des Syndicats nationaux, Montreal, Que.
348. Voice of Women, Montreal, Que.
349. L'Association des Femmes diplômées des Universités, (Montreal) Montreal, Que. *IC. French on*
350. Mount Saint Vincent University, Halifax, N.S.
351. \*Niel T. Hansen, Elsternwick, Victoria, 3185, Australia.



352. ✓ Marilyn Assheton-Smith,  
Yellowknife, N.W.T.
353. ✓ Alison J. McAteer,  
Yellowknife, N.W.T.
354. ✓ Mildred June Larson,  
Sarnia, Ont.
355. ✓ Jean Lamartine,  
Montreal, Que.
356. ✓ Newfoundland Home Economics  
Association,  
St. John's Nfld.
357. ✓ \*Camille Duval-Cl  roux,  
Montreal, Que.
358. ✓ \*Muriel Reid,  
Pictou County, N.S.
359. ✓ Beverley Bendell,  
Dartmouth, N.S.
360. ✓ \*A Group of Women,  
Montreal, Que.
361. ✓ National Council of Jewish  
Women of Canada,  
Willowdale, Ont.
362. ✓ Committee on the Status of Women,  
University of Alberta,  
Edmonton, Alta.
363. ✓ British Columbia and Yukon  
Jaycettes,  
New Westminster, B.C.
364. ✓ Diana C. Louis,  
Montreal, Que.
365. ✓ Donald Rosenbaum,  
Montreal, Que.
366. ✓ National Council of Jewish Women  
of Canada (Montreal Section),  
Montreal, Que.
367. \*Confidential
368. ✓ *Le Centre de Planification familiale*,  
Montreal, Que.
369. ✓ \*Edith L. Justin,  
Toronto, Ont.
370. ✓ Pia Roberts,  
Winnipeg, Man.
371. ✓ \*B'nai B'rith Girls,  
(Southern Ontario Region),  
Downsview, Ont.
372. ✓ The Manitoba Teachers' Society,  
Winnipeg, Man.
373. ✓ Bonnie Kreps,  
Toronto, Ont.
374. ✓ United Automobile Workers  
Canadian Council,  
Windsor, Ont.
375. ✓ Edith Rawek,  
Scarborough, Ont.
376. \*Sophia Dixon,  
Saskatoon, Sask.
377. ✓ A Group of Women,  
Edmonton, Alta.
378. \*National Council of Jewish Women,  
(Vancouver Section),  
Vancouver, B.C.
379. ✓ Fay Leslie-Spinks,  
Edmonton, Alta.
380. ✓ Victoria District Registered  
Nurses' Association of British  
Columbia,  
Victoria, B.C.
381. \*Isabel Hauck,  
Wainwright, Alta.
382. ✓ Vivian Kirk,  
Victoria, B.C.
383. ✓ Beth-Anne Exham,  
Old Crow,  
Whitehorse, Y.T.
384. ✓ Government of the Province of  
Saskatchewan,  
Saskatoon, Sask.
385. \*M. Lowe,  
Victoria, B.C.
386. ✓ H. L. Mackenrot,  
Prince George, B.C.
387. \*Nellie M. Mitchell,  
Fiske, Sask.
388. \*Norma F. Bicknell,  
Edmonton, Alta.
389. \*Jan Bevan,  
Victoria, B.C.
390. ✓ Matilda Stephens,  
Oshawa, Ont.
391. \*Joseph N. Schauenberg,  
Jarvis, Ont.
392. ✓ The Honourable Thelma Forbes,  
Fort Garry, Man.
393. ✓ Quebec Federation of Labour,  
Montreal, Que.
394. ✓ Marie Anne Lahache,  
Oldtown,  
Yellowknife, N.W.T.
395. ✓ Mrs. J. Sarrazin,  
Montreal, Que.

396. *Mrs. Jean* A Group of Mothers,  
Montreal, Que. 2C.
397. Ken Huband,  
Ottawa, Ont.
398. Canadian Corrections Association,  
Ottawa, Ont. + appendices
- ✓ 399. \*Betty Cooper,  
Calgary, Alta.
400. \*Doris Dickson,  
Windsor, Ont.
401. \*Joan Marshall,  
Nova Scotia.
402. Jacques Duchemin,  
Hull, Que.
403. \*Peggy MacFarlane,  
Edmonton, Alta.
404. *Groupe de Femmes francophones*  
*de la Région de Moncton,*  
Moncton, N.B.
405. Doris Janes, *Janet*  
Corner Brook, Nfld.
406. \*Marjorie Gage,  
Vancouver, B.C.
- ✓ 407. \*Confidential
408. Yukon Social Services  
Organization,  
Yukon Territory.
409. Mrs. H. R. Wilson,  
Whitehorse, Y.T.
410. Joan M. Veinott,  
Yukon Territory.
411. G. Jean Gordon,  
Whitehorse, Y.T.
412. Mrs. Lane and  
Mrs Thomson,  
Yukon Territory.
413. Business and Professional  
Women's Club,  
Whitehorse, Y.T.
414. Margaret Smith,  
Whitehorse, Y.T.
415. Yukon Territorial Government,  
Yukon Territory.
416. \*Margaret Taggart,  
Whitehorse, Y.T.
417. \*Margaret Keyes,  
Whitehorse, Y.T.
418. Helen Law,  
Yellowknife, N.W.T.
- ✓ 419. Rose Mary Thrasher,  
Yellowknife, N.W.T.
- ✓ 420. P. B. Parker,  
Police Magistrate,  
Yellowknife, N.W.T.
- ✓ 421. Mrs. B. F. Watson,  
Yellowknife, N.W.T.
- ✓ 422. Harry Leishman,  
Yellowknife, N.W.T.
- ✓ 423. Alison J. McAteer,  
Yellowknife, N.W.T.
- ✓ 424. Ella Manuel,  
Bonne-Bay, Nfld.
- ✓ 425. Ruth Greenspan and  
Mary Patterson, *C.N.I.B.*  
King City and London, Ont.
- ✓ 426. The Council of Associations of  
University Student Personnel  
Services,  
St. John's, Nfld.
- ✓ 427. Nova Scotia Federation of Home  
and School Associations,  
Truro, N.S.
428. Corporation of Psychologists of  
the Province of Quebec, *1C. French*  
Montreal, Que. *1C. English*
429. Voice of Women,  
Halifax, N.S.
430. Volunteer Bureau of Montreal,  
Montreal, Que.
431. Mildred Moir,  
Halifax, N.S.
432. The New Brunswick Association  
of Registered Nurses,  
Fredericton, N.B.
433. The Zonta Club of Halifax,  
(Zonta International),  
Halifax, N.S.
434. *L'Alliance des Professeurs de*  
*Montréal,*  
Montreal, Que.
435. Polly Hill Associates,  
Ottawa, Ont.
436. The Nursery Education Association  
of Ontario,  
Ottawa, Ont.
437. Canadian Union of Public  
Employees, C.L.C.,  
Ottawa, Ont.
438. Mary Cooper,  
Ottawa, Ont.

439. Janice L. Kestle,  
London, Ont.
440. Canadian Labour Congress,  
Ottawa, Ont.
441. Canadian Air Line Flight  
Attendants Association,  
Vancouver, B.C.
442. *Le Service social de l'Institut  
Albert-Prévost*,  
Montreal, Que.
443. Pauline Jewett, Helen McCrae,  
Madeleine Gobeil and  
Marion B. Smith,  
Ottawa, Ont.
444. Arlette J. Johnstone,  
Beach Corner, Alta.
445. Germaine Dalton,  
Edmonton, Alta.
446. Mrs. Sam Lavallée,  
Broadview, Sask.
447. Betty Tait and  
Thora Wiggins,  
Northside, Sask.
448. Pauline Cadieux-Frégeot,  
Montreal, Que.
449. *L'Association des Étudiants  
de l'Université d'Ottawa*,  
Ottawa, Ont.
450. \*Beatrice Hill,  
Toronto, Ont.
451. Mrs. B. Mickleburgh,  
Winnipeg, Man.
452. Canadian Federation of Christian  
Reformed Ladies Societies,  
Ottawa, Ont.
453. Adele Willison,  
East Saint John, N.B.
454. The Provincial Council of Women,  
Halifax, N.S.
455. Single Parents Associated,  
Social Action Committee,  
Toronto, Ont.
456. \*Jean H. Sloan,  
Lloydminster, Sask.
457. \*Mary Dixon and  
Mary Thomas,  
Victoria B.C. and Brentwood, B.C.
458. Indian-Métis Association,  
Winnipeg, Man.
459. Deirdre Gagné,  
Winnipeg, Man.
460. Joan Parfit,  
Saint John, N.B.
461. Y.W.C.A.,  
Halifax, N.S.
462. Mrs. J. V. Wilde,  
Yellowknife, N.W.T.
463. Beatrice Hill,  
Toronto, Ont.
464. John Balfour,  
Calgary, Alta.
465. Nana Schaer,  
Calgary, Alta.
466. Mrs. Trevor G. Anderson,  
Edmonton, Alta.
467. Grace Haydee,  
Edmonton, Alta.
468. Jack Thorpe,  
Edmonton, Alta.
469. Three Students from the  
O'Leary High School,  
Edmonton, Alta.

NOTE: This list does not include hundreds of letters and documents received by the Commission pertaining to the Status of Women in Canada.

## Statistical Tables

Table A-1. Percentage of the Female Population in the Labour Force by Age Group, for Canada\*, Urban and Rural, 1961

Age	Urban	Rural non-farm	Rural farm
15-19 years.....	39.7%	24.1%	20.3%
20-24.....	54.6	30.4	39.7
25-34.....	32.8	18.1	22.7
35-44.....	34.1	21.9	23.2
45-54.....	36.5	25.3	24.1
55-64.....	26.8	17.4	19.2
65 years and over.....	7.4	4.0	6.6
TOTAL.....	33.0	19.9	22.0

\*Includes the Yukon and the Northwest Territories.

SOURCE: Dominion Bureau of Statistics. *Census of Canada 1961. The Canadian Labour Force*. Cat. no. 99-522, Ottawa, 1967, Table XV, p. 12-32.

Table A-2. Percentage Distribution of Full-time Employees in the Public Service\* by Salary and Sex, July 1967

Salary	Male	Female
under \$4000.....	7.1%	41.2%
\$4000-5999.....	51.7	49.0
\$6000-7999.....	22.3	7.7
\$8000-9999.....	8.8	1.3
\$10,000 and over.....	10.1	.7

\*Public Service as defined in footnote 89, Chapter 2.

SOURCE: Archibald, K. unpublished data.

Table A-3. Turnover Rates\* of Full-time Employees in the Federal Public Service by Sex and Age, 1967

Age	Turnover rate	
	Male	Female
Less than 20.....	44.8%	23.0%
20-24.....	18.2	24.1
25-29.....	9.9	22.0
30-34.....	6.4	15.9
35-44.....	4.2	10.6
45-54.....	3.4	5.9
55 and over.....	11.2	12.6

\*Turnover rate is defined in footnote 75, Chapter 2.

SOURCE: Archibald, K. unpublished data.



Table A-4. Turnover Rates\* of Full-time Employees in the Federal Public Service by Sex and Salary Range, 1967

Salary range	Turnover rate	
	Male	Female
Less than \$4000.....	21.3 <sup>07</sup> %	18.5 <sup>07</sup> %
\$4000-5999.....	7.2	12.1
\$6000-7999.....	4.8	7.2
\$8000-9999.....	4.7	9.4
\$10,000 and over.....	4.4	9.0

\*Turnover rate is defined in footnote 75, Chapter 2.

SOURCE: Archibald, K. unpublished data.

Table A-5. Cumulative Percentage Distributions of Sample\* of Male and Female Public Servants by Total Years of Employment\*\*, 1967

Total Years of Employment	Percentage	
	Male	Female
more than 25.....	37.5%	23.3%
more than 20.....	47.2	35.9
more than 15.....	58.0	47.7
more than 10.....	68.2	61.8
more than 5.....	81.4	74.9
more than 2.....	88.6	85.7

DATA SOURCE: Judek, S. *Women in the Public Service*. Their Utilization and Employment. A study commissioned by the Canada Department of Manpower, Ottawa, Queen's Printer, 1968, p. 52.

\*Excludes postal, customs and immigration category, so 80 per cent of the men in Judek's total sample are missing for this reason or as non-respondents, compared to eight per cent of women.

\*\*Respondents were asked to include self-employment and military service but not "summer jobs, casual employment, jobs after school, etc." Experience in the Federal Service is added in.

SOURCE: Archibald, K. *Sex and the Public Service*. A study commissioned by the Public Service Commission of Canada, 1970, Figure IV-4, p. 81.

Table A-6. Cumulative Percentage Distributions of Sample of Male and Female Public Servants by Total Years of Experience in the Federal Service, 1967

Total Years of Experience	Percentage	
	Male	Female
more than 25.....	8.4%	10.0%
more than 20.....	21.5	20.3
more than 15.....	32.3	28.2
more than 10.....	47.9	45.1
more than 5.....	67.6	65.9
more than 2.....	80.1	79.6

SOURCE: Judek, S. unpublished data in computer print-outs.

Table A-7. Estimated Number of Girls and Boys in Secondary Schools Taking Commercial, Academic and Other Courses of Study—Nine Provinces\* 1965-69

Year	Sex	Commercial Course		Academic Course		Other**		Estimated Total Number of Girls and Boys
		Estimated Number	Per Cent of Total	Estimated Number	Per Cent of Total	Estimated Number	Per Cent of Total	
1965-66.....	F	92,606	22.2%	294,274	70.4%	31,102	7.4%	417,982
	M	25,277	5.6	305,929	68.1	118,044	26.3	449,250
1966-67.....	F	100,514	23.0	300,875	69.0	34,684	8.0	436,073
	M	11,732	2.5	318,407	68.8	132,637	28.6	462,776
1967-68***	F	109,421	25.3	288,024	66.5	35,525	8.2	432,970
	M	25,858	5.6	316,267	68.7	118,169	25.7	460,294
1968-69.....	F	114,823	23.1	345,356	69.5	36,773	7.4	496,952
	M	26,712	5.1	335,649	64.2	160,511	30.7	522,872

\*Excludes Quebec, Yukon and Northwest Territories secondary schools, and all private schools.

\*\*Includes vocational courses, auxiliary classes and other secondary courses.

\*\*\*Excludes Manitoba enrolment figures.

SOURCE: Dominion Bureau of Statistics unpublished data, February 1970.

Table A-8. Enrolment of Women at Undergraduate and Post-Graduate Levels as a Percentage of Total Enrolment (Full-time Regular Session)

Academic Year	Under-graduate Enrolment	Post-Graduate Enrolment
1920-21.....	16.3%	25.5%
1930-31.....	23.5	26.1
1940-41.....	23.3	20.8
1950-51.....	21.7	15.4
1960-61.....	24.9	15.1
1961-62.....	26.3	16.4
1962-63.....	27.8	15.1
1963-64.....	29.2	16.2
1964-65.....	30.8	16.8
1965-66.....	32.8	18.2
1966-67.....	33.8	18.0
1967-68.....	34.2	19.3

SOURCE: Urquhart, M. C. and K. A. H. Buckley, ed. *Historical Statistics of Canada*. Toronto, Macmillan, 1965, pp. 601-602. Dominion Bureau of Statistics. *Survey of Higher Education*. Cat. no. 81-204, 1961-62, 1962-63, 1963-64, 1965-66, 1966-67, 1967-68.

Table A-9. Distribution of Canada Student Loans By Sex,  
1964-65 to 1967-68

Academic Year	Total	Male	Female	Percentage Female
1964-65.....	41,571	30,888	10,683	25.7%
1965-66.....	53,702	38,621	15,081	28.1
1966-67.....	67,401	46,907	20,494	30.4
1967-68.....	94,758	64,945	29,813	31.4

- SOURCES: 1. Department of Finance. *Canada Student Loans Plan Annual Report 1964-65*. Table 7, Distribution of Student Borrowers by Age, Sex and Marital Status, p. 16.  
 2. *Ibid.* 1965-66. Table 4, Distribution of Certificate Holders by Age and Level of Study, Sex and Marital Status, pp. 14-15.  
 3. *Ibid.* 1966-67. Table 4, Distribution of Certificates by Age and Level of Study, Sex and Marital Status, pp. 16-17.  
 4. *Ibid.* 1967-68. Table 4, Distribution of Certificates by Age and Level of Study, Sex and Marital Status, pp. 18-19.

Table A-10. Percentage Distribution of Male and Female Trainees  
by Marital Status, 1967-68 and 1968-69

	1967-68	1968-69	1967-68	1968-69	1968
Marital Status	Male Percentage		Female Percentage		Female Labour Force Percentage
Single.....	39.0%	37.0%	43.4%	44.5%	36.4
Married.....	58.8	60.7	31.8	33.0	54.7
Divorced, widowed, or separated.....	2.2	2.3	24.8	22.5	8.9
TOTAL.....	100	100	100	100	100.0

SOURCE: Based on unpublished data received from the Program Development Service, Department of Manpower and Immigration. "Marital Status of Trainees in General Purchase Programs."

Table A-11. Life Expectancy at Birth, Canada, 1931-68, Total Canadian Population and Canadian Indians, by Sex, and Eskimos

Year	Canadian		Indian		Eskimo
	Male	Female	Male	Female	
1931.....	60.0%	62.1%			
1941.....	63.0	66.3			
1951.....	66.3	70.8			
1956.....	67.6	72.9			
1961.....	68.4	74.2			
1968.....	69.0	75.6	60.5	65.6	50.5

SOURCE: Dominion Bureau of Statistics. Abridged Life Tables. 1968, Health and Welfare Division, to be published. Unpublished data forwarded by the Dominion Bureau of Statistics to the RCSWC. Department of National Health and Welfare. *Life Expectancy of Canadian Eskimos*. Canada, 1969.



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